



NOTICE OF MEETING

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993* that a **Meeting of Singleton Council** will be held in the **Council Chambers, Queen Street Singleton**, on **Tuesday 1 February 2022**, commencing after the Public Forum at **5.30PM**.

COVID-19 Notice

It is advised that in accordance with advice from the NSW Government and in the interests of public health, the number of people able to attend the meeting in the Council Chambers is limited. Council Officials have the option to attend and participate in the Meeting via audio-visual link. Limited members of the public may be permitted to attend the Council Chambers upon request and approval by Council.

Emergency Evacuation - Council Chambers

In case of an emergency, for example a fire, please evacuate the building via the marked exit doors (*Mayor points to the doors*). The order to evacuate may be signified by an alarm siren or by a Council officer or myself. Please proceed to the green "emergency assembly area" signs either near the cycleway on Queen Street (*Mayor points in direction of Queen Street*) or at the other side of the carpark towards the Gym & Swim (*Mayor points again*). An instruction to evacuate to a marked area should be followed without delay to assist Council in ensuring the Health and Safety of all staff and visitors.

Privacy/Webcasting

In accordance with the NSW *Privacy & Personal Information Protection Act, 1998*, you are advised that all discussion held during the Open Council Meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present or attending via audio-visual link should withhold from making public comments about another individual without seeking the consent of that individual in the first instance.

Please be aware that Council webcasts its Open Council Meetings via its website. All persons should refrain from making any remarks that could potentially be considered defamatory. Council accepts no liability for any defamatory remarks made during the course of the Council Meeting. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so.

General

All persons present either in the Council Chambers or via audio-visual link are requested to turn their mobile devices to silent during the course of the Council Meeting.

Food and beverages are not permitted in the Council Chamber.

AGENDA

PAGE

Opening of Meeting

Acknowledgement of Country

I would like to begin by paying my respects to Elders past and present of the Wanaruah, Wonnarua people and acknowledge their custodianship of the land on which we are meeting today. I also pay my respects to all Aboriginal people from other nations that are here today and live in Wanaruah, Wonnarua country.

Apologies and applications for a leave of absence by Councillors

Confirmation of Minutes

1. 15 November 2021

Matters Arising from Minutes

Disclosures of Interests

Withdrawal of Items/Late Items of Business

Mayoral Minute(s)

Presentations

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Questions with Notice

Jason Linnane
GENERAL MANAGER

MEETING PRINCIPLES

Council and Committee meetings should be:

- *Transparent:* Decisions are made in a way that is open and accountable.
- *Informed:* Decisions are made based on relevant, quality information.
- *Inclusive:* Decisions respect the diverse needs and interests of the local community.
- *Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- *Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- *Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- *Effective:* Meetings are well organised, effectively run and skilfully chaired.
- *Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**PR1/22. Appreciation of Contribution to the Singleton
Community****FILE: 21/00043**

The Mayor and General Manager will present awards of appreciation to outgoing Councillors in recognition of their contribution to the Singleton community.

GM1/22. Councillors Oath or Affirmation of Office**FILE:**
18/00270/007

Executive Summary

The purpose of this report is for all elected Councillors to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*.

RECOMMENDED that all Councillors take an oath of office or make an affirmation of office before the General Manager as follows:

Oath

I [*name of Councillor*] swear that I will undertake the duties of the Office of Councillor in the best interests of the people of the Singleton Local Government Area and Singleton Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act, 1993* or any other Act to the best of my ability and judgement.

Affirmation

I [*name of Councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the Office of Councillor in the best interests of the people of the Singleton Local Government Area and Singleton Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act, 1993* or any other Act to the best of my ability and judgement.

Report

Under the *Local Government Act, 1993* Councillors are obliged to take an oath or affirmation of office at or before the first meeting of the Council after they are elected. In doing so, Councillors are required to swear or affirm that they will undertake the duties of the Office of Councillor in the best interests of the community and the Council and that they will faithfully and impartially carry out the functions to the best of their abilities.

The oath or affirmation of office operates as a mechanism for inducting Councillors into their role and reinforcing for them the seriousness of the responsibilities and duties that role entails.

Councillors are required to be physically present when the oath or affirmation is taken or made before the General Manager of the Council, an Australian Legal Practitioner or a Justice of the Peace.

A Councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend Council Meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council Meetings their office is automatically declared vacant and a by-election or countback must be held.

General Manager's Report (Items Requiring Decision) - GM1/22

Following the adoption of this recommendation, each Councillor will be called to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*, which will be recorded in the minutes as having taken place.

Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Council Policy/Legislation

The following legislation and Council documents are relevant:

- *Local Government Act, 1993*
- POL/1014 Code of Meeting Practice

Financial Implications

Nil.

Consultation/Social Implications

Councillors have been briefed on the requirement to take an oath or make an affirmation of office to enable them to attend Council Meetings.

Environmental Consideration

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Councillors will not understand the seriousness of their role in the Singleton Community which may	Medium	Adopt the recommendation	Low	Yes

General Manager's Report (Items Requiring Decision) - GM1/22

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
lead to financial loss, adverse impacts on service delivery and damage to reputation.				
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to fines and penalties and damage to reputation.	High	Adopt the recommendation	Low	Yes
There is a risk that Councillors will not be aware of the expectations in respect to behaviours and values which may lead to sub-optimal performance of the elected body and organisation.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. That Councillors elect to take an oath of office before the General Manager as required by the *Local Government Act, 1993*.
2. That Councillors elect to make an affirmation of office before the General Manager as required by the *Local Government Act, 1993*.

Options one and two are the only options available to Councillors.

Conclusions

It is recommended that all Councillors take an oath or make an affirmation of office before the General Manager as required by the *Local Government Act, 1993*.

Attachments

There are no attachments for this report.

GM2/22. Council Meeting Dates and Times**FILE: 21/00144****Executive Summary**

The purpose of this report is for Council to consider scheduling arrangements for Ordinary Council Meetings for the coming term of Council.

RECOMMENDED that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.

Report

Section 3.1 of the Code of Meeting Practice requires Council to set the frequency, time, date and place of its ordinary meetings by resolution.

The *Local Government Act, 1993* (the Act) requires Councils to meet at least 10 times each year, each time in a different month.

In previous years, Council has held ordinary meetings on the third Monday of each month commencing at 5.30pm.

Council considered a report on 2 August 2021 which outlined Council Meeting dates up to and including 1 February 2022. This report also advised that *"from the commencement of the new Council in 2022, it is proposed to hold all Ordinary Council Meetings and Councillor Briefings on a Tuesday evening. This proposed change will:*

- *Remove conflicts with public holidays that fall on a Monday;*
- *Allow for better time management for Councillors and staff in the lead up to Council Meetings; and*
- *Provide an additional day for staff to prepare responses for Councillors in relation to any questions they may have relating to Council Meeting Agenda items. This will enable more detailed responses and a reduced level of stress for staff."*

Should Council resolve to continue with the proposed arrangements, following are the ordinary Council Meeting details to note for 2022:

Date	Time	Place
Tuesday, 15 February 2022	5.30pm	Council Chambers
Tuesday, 15 March 2022	5.30pm	Council Chambers
Tuesday, 19 April 2022	5.30pm	Council Chambers
Tuesday, 17 May 2022	5.30pm	Council Chambers
Tuesday, 21 June 2022	5.30pm	Council Chambers
Tuesday, 19 July 2022	5.30pm	Council Chambers
Tuesday, 16 August 2022	5.30pm	Council Chambers

General Manager's Report (Items Requiring Decision) - GM2/22

Tuesday, 20 September 2022	5.30pm	Council Chambers
Tuesday, 18 October 2022	5.30pm	Council Chambers
Tuesday, 15 November 2022	5.30pm	Council Chambers
Tuesday, 20 December 2022	5.30pm	Council Chambers

Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategy Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.2 Administer the 2020 Local Government election for the Singleton LGA.

5.6.4 Meet Governance Compliance and Reporting Requirements.

5.6.5 The elected Council are informed, engaged and attuned to Community needs.

Council Policy/Legislation

- *The Local Government Act, 1993*
- *The Local Government (General) Regulation, 2021*
- POL/1014.9 Code of Meeting Practice Policy

Financial Implications

Nil.

Consultation/Social Implications

Council's Executive Leadership team have considered and approved this approach and Councillors have been briefed on this matter.

Environmental Consideration

Nil.

Risk Implications

The following risks for Council are noted:

General Manager's Report (Items Requiring Decision) - GM2/22

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Councillors will not have adequate time to ensure effective decision making which may lead to legal, service delivery, financial and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and <i>Local Government (General) Regulation 2021</i> which may lead to legal and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that lack of time to provide meaningful responses to questions raised by Councillors may lead to unnecessary stress on staff and negative impacts on wellbeing.	High	Adoption of the recommendation	Low	Yes

Options

The following options are available to Council:

1. Resolve that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.
2. Resolve to schedule alternate meeting dates and times for the term that ensure Council will still meet legislative requirements.

Option one is recommended.

Conclusions

To ensure that Council meets the requirements of the *Local Government Act, 1993* and to achieve appropriate timing for Council Meetings, it is recommended that Council endorse the scheduling arrangements for Ordinary Council Meetings for the current term.

Attachments

There are no attachments for this report.

GM3/22. Countback to Fill Casual Vacancies**FILE:**
18/00270/007**Executive Summary**

The purpose of this report is for Council to consider using a countback of votes to fill casual vacancies that may occur in the office of Councillors in the first 18 months after the ordinary election held on 4 December 2021.

RECOMMENDED that:

1. Pursuant to section 291A(1)(b) of the *Local Government Act, 1993* (the Act) Singleton Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.

Report

Following the 2021 Local Government elections, Council has, for the first time, the option of using a countback of votes cast at the ordinary election to fill casual vacancies occurring in the office of councillors in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve, at the first meeting after the election, to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, a by-election will be required to fill any casual vacancies.

Should Council resolve to fill any casual vacancies using a countback in the first 18 months, the General Manager is required under the *Local Government (General) Regulation 2021* (the Regulation) to notify the election manager of the Council's ordinary election of the Council's resolution within 7 days of the resolution. The election manager for Singleton Council is the NSW Electoral Commissioner.

Information on the process for countback elections can be found on the NSW Electoral Commission website at <https://www.elections.nsw.gov.au/Elections/How-voting-works/Voting-in-New-South-Wales/Countback-elections>.

In addition to the above it is noted that should a casual vacancy occur in the office of councillors within the 18 months before the date specified for the next ordinary election Council may apply to the Minister to order that the vacancy not be filled.

Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Council Policy/Legislation

This report has been prepared in accordance with Section 291A of the *Local Government Act, 1993* which outlines the provisions for a countback to be held instead of a by-election in certain circumstances.

Financial Implications

Supporting the recommendation to allow Council to use a countback to fill any casual vacancies that may occur within the first 18 months after the election will have a significant financial saving should it be required.

By-elections are not budgeted for and can cost in the order of \$80,000 which would have a substantial adverse impact on Council's budget.

Consultation/Social Implications

Councillors have been provided with a briefing to outline the options in this report.

Environmental Consideration

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead	High	Adopt the recommendation	Low	Yes

General Manager's Report (Items Requiring Decision) - GM3/22

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
to financial loss, delays in service delivery and damage to reputation.				
There is a risk that Council will be required to hold a by-election within 18 months of the last election which may lead to financial loss and rework.	High	Adopt the recommendation	Low	No

Options

The following options are available to Council:

1. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and that the General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.
2. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by carrying out a by-election.

Option one is recommended.

Conclusions

It is recommended that Council resolve to use a countback of votes to fill casual vacancies that may occur in the offices of Councillors in the first 18 months after the ordinary election held on 4 December 2021.

Attachments

There are no attachments for this report.

GM4/22. Election of Deputy Mayor**FILE: 21/00170**

Executive Summary

The purpose of this report is for Council to elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024. The Deputy Mayor assumes all duties and powers of the Mayor in the Mayor's absence. The *Local Government (General) Regulation, 2021* (the Regulation) outlines the process to be undertaken in electing a Deputy Mayor and this report details that process.

RECOMMENDED that Council:

1. Elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024.
2. Determine whether the method of election for the Deputy Mayor be by open voting, ordinary ballot or preferential ballot.
3. Proceed to conduct the election of Deputy Mayor in accordance with the determined method and the requirements of the *Local Government (General) Regulation, 2021*.

Report

Section 231 of the *Local Government Act, 1993* (the Act) provides for Councillors to elect a person from among their number to be the Deputy Mayor. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may be elected for the mayoral term or a shorter term and holds office for the term specified by the Council resolution. It is also noted that Council is not required under the Act to have a Deputy Mayor.

Under normal circumstances, the term of Council is for a period of four (4) years and the Deputy Mayor would be appointed for a term of two (2) years, unless a casual vacancy occurs. The postponement of the ordinary council elections to 4 December 2021 has resulted in a substantially shorter term for this Council. It is therefore recommended that the Deputy Mayor be appointed for the period until the day of the next ordinary election for Singleton Council in September 2024.

Clause 394 of the Regulation stipulates that 'if a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7'. The General Manager (or a person appointed by the General Manager) will act as the Returning Officer for the election.

A Deputy Mayor Nomination Form has been circulated to Councillors.

General Manager's Report (Items Requiring Decision) - GM4/22

If more than one Councillor is nominated, Council must resolve whether the election is to proceed by open voting, ordinary ballot or preferential ballot. Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Councillors need to be present at the meeting in person to participate in voting by means other than an open voting.

Open voting is the most transparent method of voting, is the least bureaucratic method and reflects normal Council voting methods. It is recommended that, should an election be required, it be carried out by open voting.

A copy of the Office of Local Government's Fact Sheet is shown as **Attachment 1** to assist with the Deputy Mayor election in accordance with the requirements of Schedule 7.

Community Strategic Plan

Adoption of the recommendation will have no implications on the Community Strategic Plan.

Delivery Program/Operational Plan

Adoption of the recommendation will have no implications on the Delivery Program or Operational Plan.

Council Policy/Legislation

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice

Financial Implications

Nil.

Consultation/Social Implications

Councillors have been briefed on the process for the election of Deputy Mayor in accordance with Schedule 7 of the *Local Government (General) Regulation, 2005* and have been provided with a nomination form.

Environmental Consideration

Nil.

General Manager's Report (Items Requiring Decision) - GM4/22

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not comply with the Regulations which may lead to legal action and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by open voting.
2. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by ordinary ballot.
3. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by preferential ballot.
4. Resolve to elect a Deputy Mayor for a shorter period of time and determine the method of voting.

Option one is recommended.

Conclusions

It is recommended that Council resolve to elect a Deputy Mayor for the period until September 2024 and that the election be held by open voting.

Attachments

AT-1 [↓](#) Office of Local Government - Mayoral Elections - Fact Sheet

Fact Sheet

ELECTION OF MAYOR AND DEPUTY
MAYOR BY COUNCILLORS

Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election
of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

GM5/22. Determination of Committees, Advisory Groups and Appointment of Delegates**FILE: 21/00077****Executive Summary**

The purpose of this report is to appoint Councillors to the various Committees and organisations and consider the term of these appointments.

RECOMMENDED that by show of hands, Councillors be appointed to the following various Committees and organisations for the period until the ordinary Council Meeting to be held in September 2023:

Committee	Delegate/s	Alternate
Section 355 Committees		
Australia Day Committee (1)/alt		
Singleton Sports Council (2)		-
Council Committees		
Audit, Risk & Improvement Committee (1)		-
Complaints Review Panel Committee (2)		-
Floodplain Management Committee (3)		-
General Managers Performance Review Panel (Mayor & 1 & 1 appointed by GM)		-
Local Traffic Committee (1)		-
Mount Thorley Warkworth VPA Community Committee (Mayor)	Mayor	-
Roads Committee (Mayor & 2)		-
Singleton Aboriginal Reconciliation Committee (2)		-
Singleton Arts & Culture Advisory Group (2)		-
Singleton and District Disability Advisory Committee (2)		-
Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)		-
Singleton Heritage Advisory Committee (1)		-
Singleton Interagency Committee (1)/alt		
Sustainability Advisory Committee (2)		-
United Wambo VPA Community Committee (1)		-
Wambo Coal Singleton Hall of Fame Committee (2)		-
Weeds Advisory Committee (1)/alt		
External Organisations		
Arts Upper Hunter Inc. (1)		-
Combined Rural Halls Committee (1)		-
Hunter Joint Organisation (The Mayor & GM)	Mayor & General	-

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	Manager	
Hunter Resource Recovery (GM & DI&P)	General Manager & Director Infrastructure & Planning	-
Hunter Valley Wine & Tourism Alliance (The Mayor & GM)	Mayor & General Manager	-
Regional Planning Panel (2)/2alt		
Local Health Advisory Committee (1)		-
Public Libraries NSW Council (1)/alt		
Hunter Valley Bush Fire Management Committee (1)		-
NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt	Mayor	
Upper Hunter Air Quality Monitoring Network (1)/alt		
Upper Hunter County Councils – UHWA Committee (2)		-
Community Consultative Committees		
AGL CCC (Appointment by State Government) (1)	Director Infrastructure & Planning	-
Ashton Mine CCC (1)		-
Bulga/Beltana Mine CCC (1)		-
Food Processing CCC (1)		-
Hunter Valley Operations CCC (1)		-
Liddell Coal Operations CCC (1)		-
Mt Owen Complex (1)		-
Mt Thorley/Warkworth (1)		-
Ravensworth Mine CCC (1)		-
Rix's Creek CCC (1)		-
Wambo Coal CCC (1)		-
Bowmans Creek Wind Farm CCC (1)		-
Redbank Power Station CCC (1)		-

Report

Council supports a number of committees including Section 355 Committees, Council Committees, External Organisations and Community Consultative Committees.

Committees or Advisory Bodies comprise elected members, staff and community representatives. These Committees are generally established in accordance with Section 355 of the *Local Government Act, 1993* and/or have been granted individual delegation of authority by the Council in accordance with Section 377 of the *Local Government Act, 1993*.

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Under section 355 of the *Local Government Act 1993*, Council can delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee or board of management.

Community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people, both new and existing residents, and providing an opportunity to participate in local community life.

Committees provide a mechanism by which interested persons can have an active role in the provision/ management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions. Memberships consist of Councillor and community representatives.

A key section of the *Local Government Act 1993* relevant to the delegation of authority by Council to Committees is Section 377. Section 377 provides that certain functions may be delegated to a committee and outlines which activities Council cannot delegate.

Committees provide forums for Singleton Council to discuss and establish policy direction related to the committee's purpose and make recommendations to ordinary meetings of Council. Each Committee has its own Terms of Reference.

Below is a list of current committees and the number of delegates required:

Section 355 Committees

- Australia Day Committee (1)/alt
- Singleton Sports Council (2)

Committees of Council

- Audit, Risk & Improvement Committee (1)
- Complaints Review Panel Committee (2)
- Floodplain Management Committee (3)
- General Managers Performance Review Panel (Mayor & 1 & 1 appointed by General Manager)
- Local Traffic Committee (1)
- Mount Thorley Warkworth VPA Community Committee (Mayor)
- Roads Committee (Mayor & 2)
- Singleton Aboriginal Reconciliation Committee (2)
- Singleton Arts & Culture Advisory Group (2)
- Singleton and District Disability Advisory Committee (2)
- Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)
- Singleton Heritage Advisory Committee (1)
- Singleton Interagency Committee (1)/alt
- Sustainability Advisory Committee (2)
- United Wambo VPA Community Committee (1)
- Wambo Coal Singleton Hall of Fame Committee (2)
- Weeds Advisory Committee (1)/alt

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- Arts Upper Hunter Inc. (1)
- Combined Rural Halls Committee (1)
- Hunter Joint Organisation (The Mayor & General Manager)
- Hunter Resource Recovery (General Manager & Director Infrastructure & Planning)
- Hunter Valley Wine & Tourism Alliance (The Mayor & General Manager)
- Regional Planning Panel (2)/2alt
- Local Health Advisory Committee (1)
- Public Libraries NSW Council (1)/alt
- Hunter Valley Bush Fire Management Committee (1)
- NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt
- Upper Hunter Air Quality Monitoring Network (1)/alt
- Upper Hunter County Councils – UHWA Committee (2)

Community Consultative Committees

- AGL CCC (Appointment by State Government) (1)
- Ashton Mine CCC (1)
- Bulga/Beltana Mine CCC (1)
- Food Processing CCC (1)
- Hunter Valley Operations CCC (1)
- Liddell Coal Operations CCC (1)
- Mt Owen Complex (1)
- Mt Thorley/Warkworth (1)
- Ravensworth Mine CCC (1)
- Rix's Creek CCC (1)
- Wambo Coal CCC (1)
- Bowmans Creek Wind Farm CCC (1)
- Redbank Power Station CCC (1)

Councillors have been invited to nominate for Committees. Where more than the required number of nominations have been received a vote will be undertaken by open voting (show of hands) as per Clause 11.9 of the Code of Meeting Practice. The nomination and election process is shown in **Attachment 1**.

Discontinued Committees

Council resolved on 15 February 2021 to cease being a member of the Association of Mining & Energy Related Councils (NSW) Inc and therefore consideration of delegates for this committee is no longer required and it has been removed from the list of committees.

Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.5 The elected Council are informed, engaged and attuned to Community needs.

Council Policy/Legislation

The following legislation and Council documents are relevant:

- *Local Government Act, 1993*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice
- POL/1016 Interactions Between Councillors & Staff Policy
- Council Committees Procedure

Financial Implications

Nil.

Consultation/Social Implications

Councillors have been briefed on the requirement for appropriate representation on Committees to provide a mechanism for consultation with the community and relevant bodies and have also been provided with relevant Committee information and a Committee Nomination Form.

The Council Committees Procedure along with Terms of Reference for all Council Committees are available for Councillor's information on the Councillor Hub.

Environmental Consideration

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not adequately represent and advocate for the Singleton Community which may lead to loss of financial opportunities and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

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Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not have the required representation on committees which may lead to ineffective or inoperative committees and reputational damage.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will have too many Councillors nominating for committees which may lead to reputational damage.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Appoint Councillors to the various committees and organisations for the period concluding September 2023.
2. Not appoint Councillors to some or all of the committees and organisations for the period concluding September 2023.

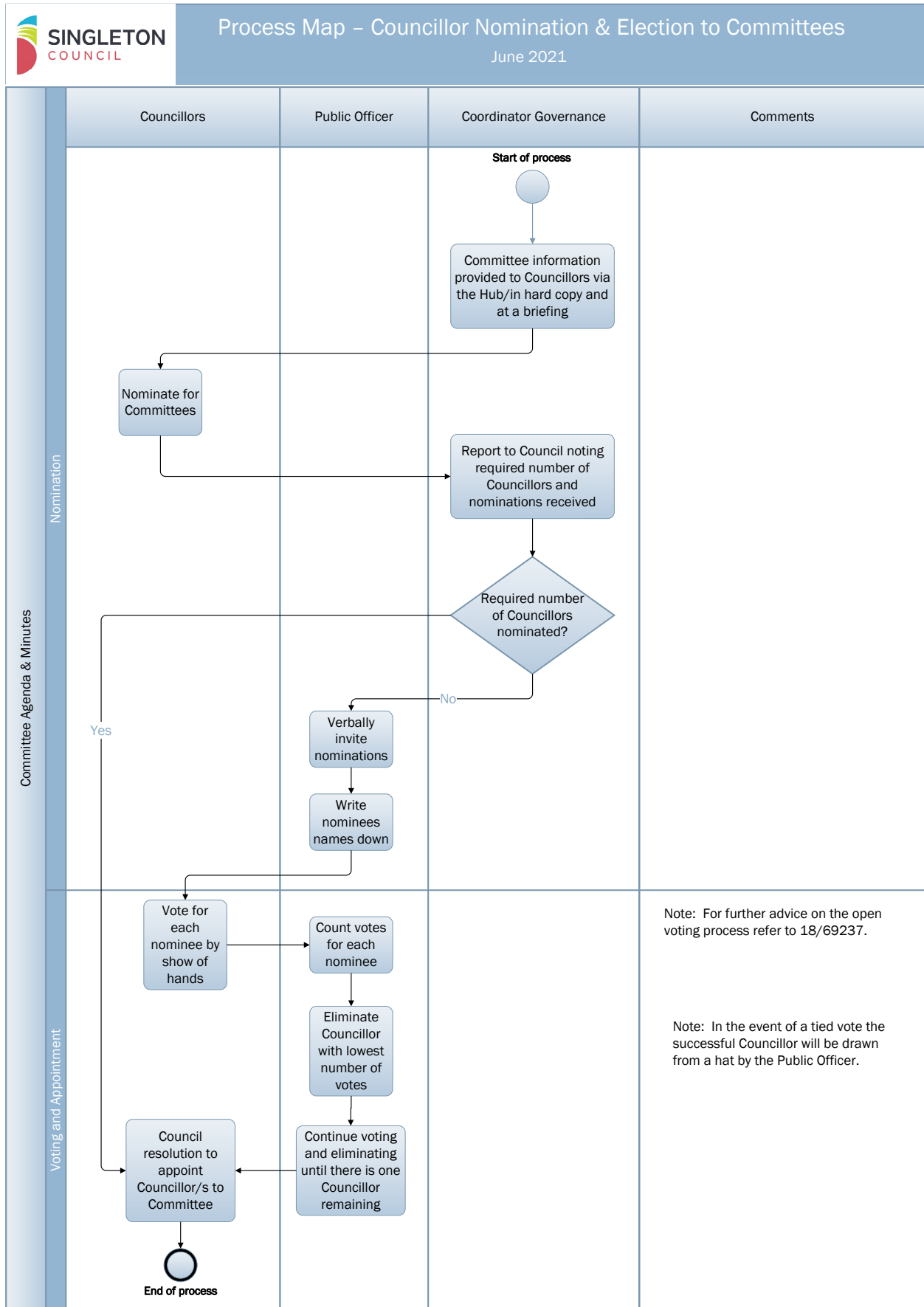
Option one is recommended.

Conclusions

It is recommended that Councillors be appointed to the various committees and organisations until the ordinary Council Meeting in September 2023.

Attachments

AT-1 [↓](#) Process Map - Governance - Councillor Nomination & Election to Committees



GM6/22. Review of Delegations of Authority - Mayor, Deputy Mayor and Section 355 Committees**FILE:**
21/00651/003

Executive Summary

The purpose of this report is to consider and adopt delegations for the Mayor, Deputy Mayor and Section 355 Committees in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

RECOMMENDED that Council issue the following delegations:

Mayor

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;

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- b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Deputy Mayor

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
 - a. At the request of the Mayor; or
 - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;

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- b. Any conditions or limitations specified; and
- c. Any resolution or policy, procedure or budget adopted from time to time by the Council.

6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Section 355 Committees

1. All previous delegations of Functions to section 355 Committees be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate authority to exercise and/or perform on behalf of the Council the Council's functions to section 355 Committees as set out in Schedules 1 and 2 below.
3. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
4. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Schedule 1
Australia Day Committee

In respect of the Council function in the provision and undertaking of activities appropriate to celebrating Australia Day, the Singleton Australia Day Committee is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*.

1. To facilitate, organise and carry out, within approved budget limits, appropriate activities and events to recognise Australia Day.
2. To invite nominations and selection of annual recipients of the "Citizen of the Year" and "Young Achiever of the Year" Awards.
3. To advise Council on initiatives for properly recognising Australia Day.

Schedule 2
Singleton Sports Council Committee

In respect of the Council function of the provision of sporting services, the Singleton Sports Council is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*:

1. To initiate increased communication between the sporting public and Singleton

General Manager's Report (Items Requiring Decision) - GM6/22

Council in order that the existing and future needs and requirements of those participating and those administering sports are accurately identified and brought to the attention of Singleton Council.

2. To identify for the appropriate organisation, those areas that may be suitable for sporting and recreational development. This identification could take place in respect of existing needs, but perhaps the greatest value would be in the identification of sites in relation to a future demand.
3. To co-operate with Singleton Council to ensure that sporting and recreational facilities are provided and maintained at an agreed standard.
4. In co-operation with Singleton Council, Government Departments and other bodies/organisations, to ensure that wherever possible optimum use is made of existing facilities.
5. To recommend to Singleton Council priorities in respect of development projects which may be competing for funds.
6. To assist with the promotion of local sporting events.
7. To endeavour to co-operate with other agencies in order to keep the community fully informed of those facilities and clubs that exist within the Local Government Area.
8. To make recommendations to Singleton Council on all winter and summer allocations of sporting facilities.
9. To make recommendations to Singleton Council from time to time of fees and charges for the use of sporting facilities.
10. To raise funds from any sources whatsoever to further the objectives of the Sports Council.
11. To promote and acknowledge the Sports Persons of the Year.

Report

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body.

General Manager's Report (Items Requiring Decision) - GM6/22

However, Council cannot delegate directly to another employee of the Council this may only be carried out by the General Manager.

In respect of delegations to Section 355 Committees of Council it is quite clear that the Council is providing an avenue for those Committees to undertake certain functions on behalf of Council. Likewise, the delegations to the General Manager, which are included in a separate report, make it clear that the Council is delegating certain functions to the General Manager by Section 377 of the Act.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

Council previously adopted delegations for the Mayor, Deputy Mayor and Section 355 Committees on 26 September 2016, following the last Local Government Election.

The proposed Delegations for the Mayor, Deputy Mayor and Section 355 Committees are detailed in **Attachment 1**.

Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Effectively, the granting of delegations by Council to the Mayor, Deputy Mayor and Section 355 Committees enables those persons and committees to have the ability to ensure the delivery of the goals and objectives established in Council's Delivery Program and Operational Plan.

Council Policy/Legislation

The appropriate sections of the *Local Government Act, 1993 (NSW)* that apply in this matter have been reproduced in **Attachment 2**.

Financial Implications

The granting of Delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

Consultation/Social Implications

Consultation with the public is not required in this matter as the delegations by the Council to the Mayor, Deputy Mayor and Section 355 Committees of Council are a matter for the elected Council.

Councillors have been briefed in relation to this matter prior to consideration by Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

Environmental Consideration

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Adopt the recommendations as contained within this report; or

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2. Adopt the delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council as presented with minor amendments.
3. Resolve not to delegate any functions to the Mayor, Deputy Mayor and Section 355 Committees.

Option one is recommended.

Conclusions

Detailed within **Attachment 1** and the recommendation to this report are the proposed delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council. The report recommends that Delegations as listed be issued to the respective persons and committees, thus enabling the efficient and effective delivery of services to the community on behalf of Council.

Attachments

- AT-1** [!\[\]\(49aa2e1da5fe39294864e9598c593810_img.jpg\)](#) Draft Delegations - Mayor - Deputy Mayor - Sec 355 Committees - 01/02/2022
- AT-2** [!\[\]\(7d0a8d8b1031f74abe67b09fcf4a2322_img.jpg\)](#) Local Government Act - Delegations



INSTRUMENT OF DELEGATION TO THE MAYOR

Singleton Council ("Council") at its Ordinary Meeting held on Tuesday, 1 February 2022 (Minute No. **/22), resolved that:

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.



INSTRUMENT OF DELEGATION TO THE DEPUTY MAYOR

Singleton Council ("Council") at its Ordinary Meeting held on Tuesday, 1 February 2022 (Minute No. **/22), resolved that:

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
 - a. At the request of the Mayor; or
 - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.



INSTRUMENT OF DELEGATION TO SECTION 355 COMMITTEES

Singleton Council ("Council") at its Ordinary Meeting held on Tuesday, 1 February 2022 (Minute No. **/22), resolved that:

1. All previous delegations of Functions to section 355 Committees be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate authority to exercise and/or perform on behalf of the Council the Council's functions to section 355 Committees as set out in Schedules 1 and 2 below.
3. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
4. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Schedule 1 Australia Day Committee

In respect of the Council function in the provision and undertaking of activities appropriate to celebrating Australia Day, the Singleton Australia Day Committee is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*.

1. To facilitate, organise and carry out, within approved budget limits, appropriate activities and events to recognise Australia Day.
2. To invite nominations and selection of annual recipients of the "Citizen of the Year" and "Young Achiever of the Year" Awards.
3. To advise Council on initiatives for properly recognising Australia Day.

Schedule 2 Singleton Sports Council Committee

In respect of the Council function of the provision of sporting services, the Singleton Sports Council is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*:

1. To initiate increased communication between the sporting public and Singleton Council in order that the existing and future needs and requirements of those

participating and those administering sports are accurately identified and brought to the attention of Singleton Council.

2. To identify for the appropriate organisation, those areas that may be suitable for sporting and recreational development. This identification could take place in respect of existing needs, but perhaps the greatest value would be in the identification of sites in relation to a future demand.
3. To co-operate with Singleton Council to ensure that sporting and recreational facilities are provided and maintained at an agreed standard.
4. In co-operation with Singleton Council, Government Departments and other bodies/organisations, to ensure that wherever possible optimum use is made of existing facilities.
5. To recommend to Singleton Council priorities in respect of development projects which may be competing for funds.
6. To assist with the promotion of local sporting events.
7. To endeavour to co-operate with other agencies in order to keep the community fully informed of those facilities and clubs that exist within the Local Government Area.
8. To make recommendations to Singleton Council on all winter and summer allocations of sporting facilities.
9. To make recommendations to Singleton Council from time to time of fees and charges for the use of sporting facilities.
10. To raise funds from any sources whatsoever to further the objectives of the Sports Council.
11. To promote and acknowledge the Sports Persons of the Year.

LOCAL GOVERNMENT ACT, 1993**226 ROLE OF MAYOR**

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

355 HOW A COUNCIL MAY EXERCISE FUNCTIONS

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

377 GENERAL POWER OF THE COUNCIL TO DELEGATE

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following--
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under [section 549](#) as to the levying of a rate,

- (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under [section 405](#),
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under [section 194](#),
 - (q) a decision under [section 356](#) to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under [section 234](#) to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if--
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

378 DELEGATIONS BY THE GENERAL MANAGER

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under [section 377\(2\)](#).

380 REVIEW OF DELEGATIONS

Each council must review all its delegations during the first 12 months of each term of office.

381 EXERCISE OF FUNCTIONS CONFERRED OR IMPOSED ON COUNCIL EMPLOYEES UNDER OTHER ACTS

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to--
 - the general manager, except with the approval of the council
 - an employee of the council, except with the approval of the council and the general manager.

GM7/22. Review of Delegation of Authority to the General Manager**FILE:**
21/00651/003

Executive Summary

The purpose of this report is to consider and adopt delegations for the General Manager in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

RECOMMENDED that:

1. All previous delegations of Functions to the General Manager be revoked.
2. The person who from time to time holds the position of General Manager of Council (General Manager) be delegated authority under section 377 of the *Local Government Act, 1993*, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. Subject to the following conditions and limitations:
 - i. Determination of Development Applications that are required to be reported to the elected Council in accordance with the Determination of Development Applications by Council Policy.
 - ii. The writing off of bad debts greater than \$5,000 in accordance with clause 131(1) of the *Local Government (General) Regulation, 2021*.
 - iii. Authorise and accept tenders in accordance with the limitations set out in the Tender Determination Criteria and to the limit of \$1 million ex GST.
 - b. Excluding those Functions:
 - i. That are expressly prohibited from delegation as listed under section 377 of the *Local Government Act, 1993*.
 - ii. Which are expressly required by legislation to be exercised by a resolution of Council.
3. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the *Local Government Act, 1993*.
4. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

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5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions of limitations set out above; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of Council.
7. The Mayor be authorised to sign the Instrument of Delegation to General Manager on behalf of Council.

Report

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body (detailed in **Attachment 1**). However, Council cannot delegate directly to another employee of the Council.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

The General Manager, in accordance with Section 378 of the Act, can delegate any of their functions, other than the power of delegation, to any other person or body, including another employee of Council.

Council previously adopted delegations for the General Manager on 15 March 2021 at which time they were amended to include updated tendering delegations following the introduction of the *Local Government Amendment Bill 2016*. It is proposed to make no change to the delegations at this time. A copy of the 15 March 2021 report is shown as **Attachment 2**.

Council considers the appointment of an Acting General Manager by resolution quarterly and this matter will be considered next by Council at its meeting of 15 March 2022.

Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Effectively, the granting of delegations by Council to the General Manager enables staff to have the ability to ensure the delivery of the goals and objectives established in Council's Delivery Program and Operational Plan.

Council Policy/Legislation

The appropriate sections of the *Local Government Act, 1993 (NSW)* and *Local Government (General) Regulation, 2021* that apply in this matter have been reproduced in **Attachment 1**.

The Tender Determination Criteria is included in **Attachment 2**.

Financial Implications

The granting of delegations to the General Manager provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

Consultation/Social Implications

Consultation with the public is not required in this matter as the delegation by the Council to the General Manager is a matter for the elected Council.

Councillors have been briefed in relation to this matter prior to consideration by Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

Environmental Consideration

Nil.

General Manager's Report (Items Requiring Decision) - GM7/22

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and/or <i>Local Government (General) Regulation, 2021</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Adopt the recommendations as contained within this report; or
2. Adopt the delegations to the General Manager as presented with minor amendments.
3. Resolve not to delegate any functions to the General Manager (this option is not recommended as it would result in significant service delivery implications for Council).

Option one is recommended.

Conclusions

Detailed within the recommendation to this report are the proposed delegations to the General Manager of Singleton Council. Endorsing this recommendation will enable the efficient and effective delivery of services to the community on behalf of Council.

Attachments

AT-1 [↓](#) Local Government Act - Delegations - General Manager

AT-2 [↓](#) Report to Council 15/03/2021 - Review of General Manager Delegations

LOCAL GOVERNMENT ACT, 1993**335 FUNCTIONS OF GENERAL MANAGER**

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

355 HOW A COUNCIL MAY EXERCISE FUNCTIONS

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

377 GENERAL POWER OF THE COUNCIL TO DELEGATE

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following--
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under [section 549](#) as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,

- (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under [section 405](#),
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under [section 194](#),
 - (q) a decision under [section 356](#) to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under [section 234](#) to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if--
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

378 DELEGATIONS BY THE GENERAL MANAGER

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under [section 377\(2\)](#).

380 REVIEW OF DELEGATIONS

Each council must review all its delegations during the first 12 months of each term of office.

381 EXERCISE OF FUNCTIONS CONFERRED OR IMPOSED ON COUNCIL EMPLOYEES UNDER OTHER ACTS

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to--
 - the general manager, except with the approval of the council
 - an employee of the council, except with the approval of the council and the general manager.

LOCAL GOVERNMENT (GENERAL) REGULATION, 2021**131 PROCEDURES FOR WRITING OFF RATES AND CHARGES**

- (1) The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council.
- (2) An amount of rates or charges of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subsection (1), rates and charges can be written off only by resolution of the council.
- (3) A resolution or order writing off an amount of rates or charges must:
 - (a) specify the name of the person whose debt is being written off, and
 - (b) identify the account concerned, and
 - (c) specify the amount written off,or must refer to a record kept by the council in which those particulars are recorded.
- (4) An amount of rates or charges can be written off under this section only:

- (a) if there is an error in the assessment, or
 - (b) if the amount is not lawfully recoverable, or
 - (c) as a result of a decision of a court, or
 - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- (5) The fact that an amount of rates or charges is written off under this section does not prevent the council concerned from taking legal proceedings to recover the amount.
- (6) The general manager must advise the council of rates and charges written off by written order of the general manager.

9. General Manager Delegation of Authority - Review

FILE: 20/00133

Executive Summary

The purpose of this report is to present to Council, revised General Manager Delegation of Authority following a review of the authorities delegated by Council to the General Manager, in accordance with Section 377 of the *Local Government Act 1993*. This review incorporates delegation of the acceptance of tenders within the limits specified in the proposed delegations. Delegations are important for the efficient functioning of Council and it is essential they reflect current legislation and Council policies and procedures.

RECOMMENDED that:

1. Council delegate to the General Manager of Singleton Council the Functions in accordance with the Instrument of Delegation to General Manager as attached to the report.
2. The Mayor be authorised to sign the Instrument of Delegation to General Manager on behalf of Council.

Report

Council adopted the General Manager delegations on 15 February 2016. Council officers have reviewed the General Manager delegations following the introduction of *Local Government Amendment Bill 2016*, specifically 'to enable Councils to delegate the function of accepting tenders (other than for services currently provided by Council staff members) and granting financial assistance' to ensure consistency with legislation, and with Council policies and procedures. **Attachment 1** to this report includes the proposed revised Instrument of Delegation to General Manager.

Section 377 of the *Local Government Act 1993* (the Act) empowers Council to delegate to the General Manager, or any other person or body (excluding other employees of Council), any of the functions of the Council, other than those specifically prohibited in Section 377.

The General Manager, in accordance with Section 378 of the Act, can delegate any of their functions, other than the power of delegation, to any other person or body, including another employee of Council.

The Act's Section 377 General power of the Council to delegate, states the following:

1. A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the council, other than the following:
 - a. the appointment of a general manager,
 - b. the making of a rate,

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- c. a determination under section 549 as to the levying of a rate,
- d. the making of a charge,
- e. the fixing of a fee,
- f. the borrowing of money,
- g. the voting of money for expenditure on its works, services or operations,
- h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- i. the acceptance of tenders to provide services currently provided by members of staff of the council,
- j. the adoption of an operational plan under section 405,
- k. the adoption of a financial statement included in an annual financial report,
- l. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m. the fixing of an amount or rate for the carrying out by the council of work on private land,
- n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- o. the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- p. the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r. a decision under section 234 to grant leave of absence to the holder of a civic office,
- s. the making of an application, or the giving of a notice, to the Governor or Minister,
- t. this power of delegation,
- u. any function under this or any other Act that is expressly required to be exercised by resolution of the council.

- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- a. the financial assistance is part of a specified program, and
 - b. the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - d. the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

2. A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the Council) any function

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delegated to the Council by the Departmental Chief Executive except as provided by the instrument of delegation to the Council.

By way of explanation, the Instrument of Delegation is a template document which has been prepared by Local Government Legal for all of Council's delegations and sub-delegations. This template includes the following sections:

- Schedule 1 outlines Limitations imposed on the General Manager by the Council.
- Schedule 2 is where any third party delegations to Council are noted. Council staff are not aware of any current third party delegations.
- Schedule 3 is where any authorities contained within Council policies are noted. There are currently no specific policy authorities to the General Manager. This section is primarily used in the template for the General Manager to sub-delegate authorities to specific staff positions.

Limitations

In relation to the delegation to award tenders specifically, Councillors should be made aware that by virtue of Section 377 (1) (i) and (u), there will remain situations where tenders cannot be awarded under delegated authority, and must be referred to Council for resolution.

The Tender Determination Criteria found within **Attachment 2** to this report, details situations whereby tenders must be referred to Council for resolution:

- Where a tender involves the procurement of services currently provided by staff
- Where there is an actual or perceivable pecuniary or non-pecuniary conflict of interest by the General Manager/Executive Leadership Team
- Where a tender involves the lease or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation
- Where no tenders are received for a proposed contract, or where the General Manager/Executive Leadership Team proposes to not accept any tenders
- Where the General Manager/Executive Leadership Team proposes to not accept any tenders and to enter negotiations
- Where an in-house bid has been tendered for a service or supply
- Where the term of the contract exceeds 5 years.

Additionally, the General Manager and Executive Leadership Team have proposed any tender exceeding \$1 million will also be referred to Council for resolution.

Format

For any tender, the General Manager and Executive Leadership Team can propose not to resolve the tender and refer that tender to Council for resolution for any reason.

Therefore, the tender process from inception to report approval will remain unchanged and tender reports will be written in the same format with the same detailed information as current Council reports.

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Benefit Analysis

Analysis has been undertaken to determine the benefits of delegating the acceptance of tenders to the General Manager.

Timing - Twenty-two tenders were analysed to determine the business days saved and increased efficiency if the delegation were resolved. Of the tenders, the total average business days saved per tender was determined to be 19 days.

Financial - Often, budgets and grants have strict timelines associated that can be impacted if any delays in tender award occur, there is a risk that if tenders cannot for whatever reason be put forward and resolved by Council by a certain date the grant or budget may be lost.

Resources - With an increase in tender requests, there is an increased need to forward plan to ensure there are adequate resources available to facilitate tenders and conduct all due diligence activities at the time requested.

The ability to send tender reports on a fortnightly basis to the Executive Leadership Team meeting not only makes it easier to schedule tenders (to not miss a Council Meeting Agenda cutoff) but also has added SWELL (Safe and Well at Singleton Council) benefits to staff involved in the process.

Tenders are of high importance and removing the strict Council meeting deadline pressure ensures staff are not rushing and potentially missing key items.

Tenderers – Feedback received from tenderers is that there is an extended time between tender close and notification of award. A reduced timeline between tender close and tender award provides an increased level of customer service, as well as resourcing and scheduling benefits to companies tendering.

Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.7 Council's tenders and contracts are compliant.

Council Policy/Legislation

The amended delegation will not change the process that tenders are facilitated, evaluated, and prepared for recommendation, ensuring tenders are undertaken in accordance with the Tendering Guidelines for NSW Local Government – October 2009

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issued by the NSW Department of Premier and Cabinet Division of Local Government, the *Local Government Act 1993*, the *Local Government (General) Regulations, 2005* and Singleton Council's Procurement Policy.

Financial Implications

There are no direct financial implications associated with the recommendation. Adoption of the recommendation will reduce the timeframe in processing tenders resulting in efficiencies in delivering Council's annual Operational Plan.

Consultation/Social Implications

Consultation has been undertaken with the Executive Leadership Team and a briefing presented to Councillors to explain the benefits to Council if the amended delegation were to be resolved.

Consultation was undertaken with nearby councils to determine which councils have implemented the delegated authority, specifically in relation to tenders.

The following represents the nearby councils that have obtained Council resolution to delegate authority to accept tenders in line with Section 377 *Local Government Act 1993*.

1. Port Stephens Council
2. Newcastle Council
3. Lake Macquarie City Council
4. Central Coast Council
5. Mid Coast Council

Efficiency within the organisation can be maintained following the review all its delegations during the term of office.

To ensure visibility, Procurement will provide a briefing note to both the Executive Leadership Team and Councillors, via the Roundtable Briefing showing the current, upcoming, and closed tenders, value and if resolution falls with the General Manager or Council.

Environmental Consideration

There are no environmental considerations associated with the recommendation.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will delay awarding tenders which may result in service delivery and financial implications.	Medium	Adoption of preferred recommendation	Low	Yes

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Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that there are delays in the efficient and safe delivery of services to the community which may lead to reputational damage.	Medium	Adoption of preferred recommendation	Low	Yes
There is a risk that delays in the approval of tenders may impact staff resourcing and availability requirements which may impact service delivery.	Medium	Adoption of preferred recommendation	Low	Yes

Options

1. Resolve to delegate to the General Manager the functions outlined in **Attachment 1** to this report.
2. Resolve not to delegate to the General Manager the functions outlined in **Attachment 1** to this report and retain the current delegations to the General Manager. If this option were pursued, it would be prudent to request further information from staff regarding the impacts of specific amendments.

Option one is recommended.

Conclusions

Delegations of authority are important for the efficient operation of Council, ensuring Council's compliance with the *Local Government Act 1993*. Without which, Council officers would have to delay action, report more matters to Council for resolution and risk delays in the efficient and safe delivery of services to the community.

Attachments

AT-1 Draft Delegations - General Manager - 15 March 2021

AT-2 Tender Determination Criteria



INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Monday, 15 March 2021 the Singleton Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Jason Linnane, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. **Subject** to any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;

- b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
- o “**Functions**” means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o “**Legislation**” means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o “**LG Act**” means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitation	
<ul style="list-style-type: none"> • Determination of Development Applications that are required to be reported to the elected Council in accordance with the Determination of Development Applications by Council Policy. • The writing off of bad debts greater than the amount fixed from time to time by Resolution of Council in accordance with clause 131(1) of the <i>Local Government (General) Regulation, 2005</i>. • Authorise and accept tenders in accordance with the limitations set out in the Tender Determination Criteria and to the limit of \$1 million ex GST. 	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
N/A	N/A	N/A

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Pursuant to a Resolution of the Council at its meeting of Monday, 15 March 2021,
[Insert Item and Minute Number]

Sue Moore
Mayor
Date: Monday, 15 March 2021

General Manager's acknowledgement of Delegations of Authority

I Jason Linnane, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Singleton Council

Date:

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**TENDER DETERMINATION CRITERIA**

CRITERION	REFERRED TO COUNCIL FOR AWARD?	REFER TO LEGISLATION	COMMENTS
Where a tender involves the procurement of services currently provided by staff	Must	Section 377 (1) (i) of LGA*	For tenders relating to the performance of waste services; see Clause 178 (1A) of LGR**
Where there is an actual or perceivable pecuniary or non-pecuniary conflict of interest by the General Manager	Must		A formal declaration should be made and recorded for transparency.
Where a tender involves the lease or licencing of community land for a term exceeding 5yrs to a body that is <u>not</u> a non-profit organisation	Must	Section 55 (3) (e) of LGA*	For tender and other requirements relating to leasing and licencing of community land Refer to Chapter 6 -Part 2 –Div. 2 of the LGA*
Where no tenders are received for a proposed contract, or where the Executive Leadership Team proposes to <u>not</u> accept any tenders	Must	Section 377 (1) (u) of the LGA* Clause 178 (3) of the LGR**	Sec 377 (1) (u) of the LGA* effectively withdraws the General Manager's delegation to award tenders in these cases, by virtue of clause 178 (3) of the LGR** The Council must resolve to follow one of the options listed in clause 178 (3) of the LGR** for example, to enter into negotiations with a tenderer.
Where the Executive Leadership Team proposes to not accept any tenders and to <u>enter negotiations</u>	Must	Clause 178 (4) of the LGR**	As per comment above, however with the additional reference to Clause 178 (4) of the LGR** relating to entering negotiations.
Where an in-house bid has been tendered for a service or supply	Must		
Where the total term of the contract exceeds 5 years	Must		Includes provisions of extensions
Where the value of tender award exceeds \$1 million	Must		

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Attachment 2

Tender Determination Criteria

Tender Determination Criteria

CRITERION	REFERRED TO COUNCIL FOR AWARD?	REFER TO LEGISLATION	COMMENTS
Where a tender relates to Council entering into a joint arrangement with a third party	Should	Section 55 (3) (l) of LGA* Section 400L of the LGA*	Excludes PPPs (ref Section 55 (3) (l). However, note that under section 400L of the LGA* a decision to enter into a PPP may only be made by Council resolution. Excludes also those arrangements involving an organisation that has been formed by Council as an "arm's length" entity. Excludes also those arrangements involving an organisation formed in partnership with other councils, or levels of Government, e.g. Hunter Resource Recovery, Hunter Joint Organisation.

*LGA - Local Government Act 1993

**LGR - Local Government Regulations 2005

NOTE: Other than in those cases where a tender must be referred to Council for award (noted above), the General Manager may choose to exercise the delegation to award a tender, or due to the circumstances involved, refer the tender to Council for determination.

The decision to determine a tender under delegation, or to refer the tender to Council, shall be at the sole discretion of the General Manager.

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8. Local Government NSW Special Conference 2022**FILE: 21/00043**

Executive Summary

The purpose of this report is to advise that the Local Government NSW Annual Conference will be held at the Hyatt Regency Sydney, from Monday, 28 February 2022 to Wednesday, 2 March 2022.

RECOMMENDED that:

1. The Mayor and two Councillors be nominated:
 - a. To attend the Local Government NSW Annual Conference 2022; and
 - b. As voting delegates for the Conference.
2. Council determine the two Councillors to be nominated.
3. Expenses be reimbursed in accordance with Councillors Expenses and Facilities Policy.

Report

The Local Government NSW Annual Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for the consideration of delegates.

Singleton Council has been advised that Council has been allocated three (3) voting delegates. The formula for calculating the number of voting delegates is prescribed at Rule 23 of the LGNSW Rules, this formula is based on population.

Each voting delegate appointed by Council is generally entitled to cast one vote only.

Further details about the conference will be published on the LGNSW website as they become available, including details of the Gala Dinner, President's Opening Reception, Conference business sessions, programs and "early bird" pricing.

The full Conference Business Paper will be available on the LGNSW website two weeks prior to the Conference as a digital document which you may download to your device or print a hard copy at your discretion.

Councillors attendance at conferences is subject to budget availability. The 2021/22 budget for Councillors training and professional development is \$26,660.00 of which \$22,263.00 remains available.

After returning from the conference the delegate should provide a written report to Council within two months on the aspects of the conference relevant to Council business and/or the local community.

General Manager's Report (Items Requiring Decision) - GM8/22

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that non attendance may lead to reputational damage and a perception of lack of support for Local Government NSW	Low	Adopt the recommendation	Low	Y
There is a risk to Council that non attendance may lead to a loss of opportunity to engage in professional development	Low	Adopt the recommendation	Low	Y

Options

The following options are available to Council:

1. Nominate the Mayor and two Councillors to attend the LGNSW Annual Conference.
2. Councillors do not attend the LG NSW Annual Conference.

Option one is recommended.

Attachments

There are no attachments for this report

**GM9/22. Matters Approved by General Manager and/or Mayor
During the Election and Christmas Period****FILE:**
18/00270/007

Executive Summary

The purpose of this report is to advise Council of decisions made by the General Manager and/or Mayor in the absence of Council Meetings during the period 5 November 2021 to 31 January 2022.

FOR COUNCIL'S INFORMATION**Report**

Council resolved on 1 November 2021 that:

- 1. Subject to the restrictions of section 377 of the Local Government Act, 1993 and section 393B of the Local Government (General) Regulation, 2021, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5 November 2021 to 31 January 2022.*
- 2. A report detailing any matters determined by the General Manager during this period be provided to the ordinary Council Meeting on 15 February 2022 for information.*

Section 226 of the *Local Government Act, 1993* provides for the Mayor "to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council".

Seven (7) matters were considered under delegation during the period 5 November 2021 to 31 January 2022 as outlined below:

1. Acceptance of kerbside residual waste from Muswellbrook Council as a result of November 2021 emergency flood event (**Attachment 1**).

It was resolved that:

- a) Council accepts Muswellbrook Council's kerbside residual waste while their landfill remains closed due to flooding; and
 - b) Council charges Muswellbrook Council a rate of \$292.92 per tonne for the disposal of their residual waste during the current emergency event.
2. Modification to DA8.2018.301 to amend the operational limitations imposed (**Attachment 2**).

It was resolved that:

- a) DA8.2018.301.2 be determined with the following modifications to conditions 32 and 33 of the Development Consent:

Condition 32 has been amended and shall read as follows:

32. Operational Management Plan

The management plan must be updated to reflect the changes in limitation on operations. The plan must be submitted and approved by Council prior to commencement of extended operations.

Condition 33 has been amended and shall read as follows;

33. Limitation on operation

The premises shall only operate in accordance with the following days and times:

- Operation allowable only on a maximum of five (5) days of the week
- A maximum of 1 sittings between the hours of 10:00am and 1:00pm per day Monday to Saturday
- A maximum of 2 sittings on Sunday, with the first sitting between the hours of 9:45am till 12:15pm and the second 1:45pm till 4:45pm.
- The maximum number of adult patrons allowed within the premises at any one sitting is restricted to 20 patrons, with a maximum of 80 patrons per week (Monday to Sunday).

3. Minutes of the Local Traffic Committee of 4 November 2021 to endorse temporary parking restrictions on Pitt and Bathurst Street to facilitate pre-poll voting held at the Singleton Youth Venue (**Attachment 3**).

It was resolved that:

- a) Council approves the installation of the temporary parking restrictions on Pitt Street and Bathurst Street as per drawing 'PS21-056 – Pitt St-Bathurst St – Temporary Parking Restrictions'.

4. Minutes of the Local Traffic Committee of 18 November 2021 to endorse multiple items (**Attachment 4**).

It was resolved that:

- a) Council approves the installation of a LOADING ZONE on Wilcox Avenue from the vehicle access to the shopping centre car park extending northwards for a distance of 24.5m as per drawing 'PS21-048 – Wilcox Ave – LOADING ZONE'.
- b) Council endorses the traffic management measures associated with the event as submitted by the Mailrun Charity Bike Ride Committee and approves the event in accordance with these measures.
- c) Council approves the alterations to the parking restrictions on Cambridge Street as per drawing 'PS21-054 – Cambridge Street – Parking Restrictions'.

General Manager's Report (Items for Information) - GM9/22

- d) Council approves the removal of the existing Children's Crossing on Hunter Street and the installation of a new Children's Crossing approximately 8m west of the existing crossing point as per drawing 'PS21-037 – Hunter Street – Children's Crossing Upgrade'.
 - e) Council approves the removal of the existing NO RIGHT TURN restriction on John Street into Macquarie Street.
 - f) Council approves the installation of parking restrictions on Marcus Place as per drawing 'PS21-057 – Marcus Place – Parking Restrictions'.
5. Minutes of Local Traffic Committee of 22 December 2021 to endorse the Dashville Traffic Management Plan prior to the first event on 31 December 2021 (**Attachment 5**).
- a) Council endorses the 'Dashville Traffic Management Plan May 2021' and approves the installation of the temporary traffic management associated with the larger capacity events (currently the Gum Ball and Skyline) that take place at Dashville, located at 103 Kirkton Road, Singleton, subject to the following conditions:
 - a) As per the Work Health and Safety Act 2011, traffic controllers and marshals must:
 - a. be properly inducted by the Event Organiser
 - b. receive training for their specific work site
 - c. be aware of their responsibilities in emergencies
 - d. be provided with proper personal protective equipment
 - b) The Event Organiser is responsible for ensuring that the traffic control measures set out in the Traffic Guidance Schemes (TGS) (previously Traffic Control Plans) are properly and fully implemented at an appropriate time before the event commences.
 - c) Marshals, or any other person associated with the event, have no legal power to stop, hold, or direct traffic on any public road (unless they hold current accreditation).
 - d) If Traffic Controllers are used, they must hold current traffic controller certification – 'Traffic Controller' (previously blue card)
 - e) Traffic Controllers can only operate in accordance with a TGS that has been authorised by the relevant Roads Authority
 - f) Traffic controllers must display their authorisation when controlling traffic.
 - g) Traffic controllers shall be relieved after two hours work and may be either rested or placed on other duties for a period of at least 15 minutes before being returned to traffic control duties.
 - h) The implementation of TGS's must be undertaken by a person that holds current certification – 'Implement Traffic Control Plans' (previously yellow card)
 - i) Any changes or modifications to the TGS's can only be made by a person that holds appropriate current certification – 'Prepare a Work Zone Traffic Management Plan' (previously red card)
 - j) The sentence "The Traffic Control Plan is to be approved by the Roads and Maritime Service and signed off by Red Floor Productions prior to commencement of the project." under section 6.5 of the TMP is to be removed.
 - k) The event organiser is to ensure that sufficient traffic control personnel are engaged to manage additional traffic at the commencement and conclusion of events that have in excess of 2000 patrons.

General Manager's Report (Items for Information) - GM9/22

- l) The event organiser is to assess the requirement for the installation of the temporary traffic management measures outlined in the TGS for each event that takes place as patron numbers are finalised.
 - m) The event organiser is to notify Council's Traffic Engineering Officer at least 7 days in advance of any event that will require the installation of the temporary traffic management measures.
- 6. Minutes of Mount Thorley Warkworth VPA Community Committee Meeting of 22 November 2021 to endorse the allocation of funding for the development of detailed design plans and a cultural heritage survey (**Attachment 6**):
 - a) That the General Manager endorse the allocation of \$25,000 for the engagement of a Landscape architect to provide detailed construction plans of visitor facilities as set in the adopted masterplan and Plan of Management and \$10,000 for an Aboriginal cultural heritage study and investigation of Bulga Stock Reserve to be undertaken.
- 7. Minutes of United Wambo VPA Community Committee Meeting of 4 November 2021 to endorse the allocation of funding for the development of detailed survey for the main street and for incidental expenditure (**Attachment 7**):
 - a) That the General Manager endorse the allocation of \$30,000 for the detailed survey of the main street and \$5,000 for committee management being meeting venue hire and incidentals.

Attachments

- AT-1** [↓](#) Acceptance of Kerbside Waste from Muswellbrook Council
- AT-2** [↓](#) Modification to DA2018.301
- AT-3** [↓](#) Minutes LTC 4 November 2021
- AT-4** [↓](#) Draft Minutes - Local Traffic Committee - 18 November 2021 approved by the Mayor
- AT-5** [↓](#) Minutes - Local Traffic Committee - 23 December 2021
- AT-6** [↓](#) GM Approval - Minutes - Mount Thorley Warkworth VPA Committee - 22/11/2021
- AT-7** [↓](#) GM Approval - Minutes - United Wambo VPA Committee - 04/11/2021

Larissa Britton

From: Sue Moore
Sent: Friday, 26 November 2021 4:05 PM
To: Jason Linnane
Cc: Justin Fitzpatrick-Barr; Aaron Malloy; Larissa Britton; Cheryl Smith; Jodie Jeffery
Subject: Re: Memo seeking approval to accept kerbside waste from Muswellbrook Council and apply a cost recovery fee as a result of the November 2021 Flood Event
Attachments: image719026.png; image266704.png; image876913.png; image899027.png; image554607.png; image289967.png; Acceptance of Muswellbrook Council Waste during Flood Event.pdf

All good Jason.

Regards Sue

**SUE MOORE**

Mayor

M 0407029341**E** smoore@singleton.nsw.gov.au**W** singleton.nsw.gov.au

Singleton Council acknowledges the Wanaruah, Wonnarua people and their custodianship of the land in the Singleton Local Government Area. We also acknowledge all other Aboriginal and Torres Strait Islanders who live within the Singleton Local Government Area and pay our respect to Elders past, present and future.

On 26 Nov 2021, at 4:02 pm, Jason Linnane <jlinnane@singleton.nsw.gov.au> wrote:

Sue- as discussed today, our neighbours are in need of a hand.

I'm fully supportive. Can you confirm via return email ASAP due to the situation Muswellbrook has to deal with.

Thanks

JASON LINNANE

General Manager

T 02 6578 7206 **M** 0417 419 408**E** jlinnane@singleton.nsw.gov.au**W** singleton.nsw.gov.au

Singleton Council acknowledges the Wanaruah, Wonnarua people and their custodianship of the land in the Singleton Local Government Area. We also acknowledge all other Aboriginal and Torres Strait Islanders who live within the Singleton Local Government Area and pay our respect to Elders past, present and future.

From: Justin Fitzpatrick-Barr <jfitzpatrick-barr@singleton.nsw.gov.au>

Sent: Friday, November 26, 2021 3:55 pm

To: Jason Linnane

Cc: Aaron Malloy; Larissa Britton; Jodie Jeffery; Cheryl Smith

Subject: Memo seeking approval to accept kerbside waste from Muswellbrook Council and apply a cost recovery fee as a result of the November 2021 Flood Event

Hi mate

Attached is a Memo seeking approval to apply a fee and accept waste from Muswellbrook Council.

Unfortunately the 1 November Council report to delegate authority to you as GM during the caretaker period doesn't extend to the application of a fee (as detailed in s377), hence the Memo will also require Sue's approval under s226 – The Role of the Mayor.

Have a great weekend.

JFB



Memorandum

Singleton Council

To: General Manager - Jason Linnane
From: Waste and Circular Economy Manager - Aaron Malloy
CC: Director of Infrastructure – Justin Fitzpatrick-Barr

Date: 26-11-2021
Document:
Re: Acceptance of Kerbside Residual Waste from Muswellbrook Council as a result of November 2021 Emergency Flood Event

EXECUTIVE SUMMARY

The purpose of this memorandum is to recommend that Singleton Council accept Muswellbrook Councils kerbside domestic waste for a short period of time at a disposal rate of \$292.92 per tonne while their landfill is closed due to flooding.

BACKGROUND

Due to the current rainfall event being experienced across NSW including the Hunter Valley, Muswellbrook Council has been forced to shut its landfill due to flooding, as pictured below.



12-14 Queen Street Singleton NSW 2230
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ABN 52 877 492 396

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Muswellbrook Council is continuing to provide a kerbside waste collection service to residents, which means an alternate location for the disposal of their residual waste stream is required while their landfill is closed during this emergency event.

Singleton Council's Waste Management Facility is still operational and capable of accepting waste from Muswellbrook Council.

FINANCIAL IMPLICATIONS

Internally Council's Waste Management Facility charges the Domestic Waste Budget \$292.92 per tonne for the disposal of the domestic waste collected across the Singleton LGA. This charge covers all costs associated with the acceptance and disposal to landfill, including the NSW State Government Waste Levy.

By charging Muswellbrook Council the same disposal rate of \$292.92 for their domestic waste during this emergency event it will ensure that the costs of the disposal at the Singleton Waste Management Facility are fully covered. It also ensures that Muswellbrook Council can continue to provide their domestic waste service within their current domestic waste budget.

DELEGATED AUTHORITY

At a meeting of Council on 1 November 2021, Council considered a report titled **DOCC54/21 Caretaker Period - Delegation of Authority to General Manager**

The purpose of this report was to delegate authority to the General Manager to carry out necessary functions on behalf of Council for the period 5 November 2021 to 31 January 2022 to ensure continuity of service to our community over the period of the Local Government Election

In considering the report Council resolved the following:

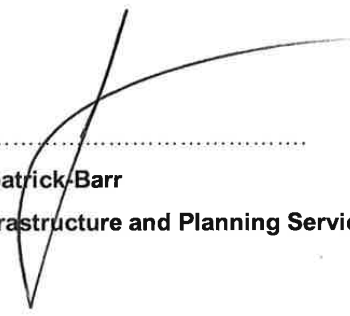
200/21 **RESOLVED:** that Council:

1. Subject to the restrictions of section 377 of the *Local Government Act, 1993* and section 393B of the *Local Government (General) Regulation, 2021*, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5 November 2021 to 31 January 2022.
2. A report detailing any matters determined by the General Manager during this period be provided to the ordinary Council Meeting on 15 February 2022 for information.

As outlined, the above resolution is limited by the restrictions detailed in s377 of the *Local Government Act, 1993*. Given the subject request relates to the application of a fee the above delegation doesn't allow for the General Manager to approve the proposal. It is possible however for the Mayor to use s226 of the Act to approve the application of the proposed fee for acceptance of waste from Muswellbrook Council during the current emergency event. A copy of the relevant excerpt of the Act, being s226 is provided as an attachment.

RECOMMENDATION

1. Council accepts Muswellbrook Council's kerbside residual waste while their landfill remains closed due to flooding.
2. Council charges Muswellbrook Council a rate of \$292.92 per tonne for the disposal of their residual waste during the current emergency event.



.....
Justin Fitzpatrick-Barr

Director Infrastructure and Planning Services

Submitted for Approval

.....
Jason Linnane

General Manager

Approved/Not Approved

.....
Clr Sue Moore

Mayor

Approved/Not Approved

LOCAL GOVERNMENT ACT 1993 - SECT 226 Role of mayor

Page 1 of 2

AustLII

New South Wales Consolidated Acts

LOCAL GOVERNMENT ACT 1993 - SECT 226 Role of mayor

LOCAL GOVERNMENT ACT 1993 - SECT 226

Role of mayor

226 ROLE OF MAYOR


The role of the mayor is as follows--

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.


http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/lga1993182/s226.... 8/01/2020



Signature Request – General Manager/Mayor

Details of Person Requiring Signature																	
Name	Mary-Anne Crawford																
Position Title	Manager Development and Environmental Services																
Business Unit and Department	Development and Environmental Services																
Director Approval			Signature	26/11/2021	Date												
Signature Details																	
Signature Required	General Manager																
Council Seal Required	No																
Council Resolution Details	Not applicable. Request relates to delegations conferred at the meeting of October 2021 heading into caretaker mode.																
Date Required to be Returned	3 rd December 2021																
Background	<p>Modification application DA8.2018.301 is being sought to amend the operational limitations imposed. The amendment is summarised below.</p> <p>Council staff have determined that the application can be approved with amended conditions as per the assessment report and draft notice of determination.</p> <p>Staff are requesting GM signature on the basis that this is a low impact, noncontroversial development, and failure to determine the application would give rise to a deemed refusal under the EP&A Act 1979, as per the conditions set out in clause 393B of the Local Government (General) Regulation.</p> <table border="1"> <thead> <tr> <th>Current Approved Operations</th> <th>Proposed Amendment</th> </tr> </thead> <tbody> <tr> <td>Maximum 3 days per week</td> <td>Maximum 6 sitting per week</td> </tr> <tr> <td>4x2 hour sittings over three days</td> <td>Maximum 5 days per week</td> </tr> <tr> <td>Maximum 1 seating per day Monday to Saturday (945am to 12:15pm)</td> <td>Maximum 1 sitting between 10am and 1pm Monday to Saturday</td> </tr> <tr> <td>Maximum 2 seatings on Sunday (9:45am to 12pm and 1:45pm to 4:15pm)</td> <td>Maximum 2 sitting on Sunday. First sitting between 945am and 1215pm. Second sitting between 145pm and 445pm.</td> </tr> <tr> <td></td> <td>Maximum number of adult patrons allowed within any sitting restricted to 20 patrons with a maximum of 80 patrons per week (Monday to Sunday)</td> </tr> </tbody> </table>					Current Approved Operations	Proposed Amendment	Maximum 3 days per week	Maximum 6 sitting per week	4x2 hour sittings over three days	Maximum 5 days per week	Maximum 1 seating per day Monday to Saturday (945am to 12:15pm)	Maximum 1 sitting between 10am and 1pm Monday to Saturday	Maximum 2 seatings on Sunday (9:45am to 12pm and 1:45pm to 4:15pm)	Maximum 2 sitting on Sunday. First sitting between 945am and 1215pm. Second sitting between 145pm and 445pm.		Maximum number of adult patrons allowed within any sitting restricted to 20 patrons with a maximum of 80 patrons per week (Monday to Sunday)
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Signature - Employee		Date	26/11/2021
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Memorandum

Singleton Council

To: General Manager - Jason Linnane
From: Manager Development and Environmental Services – Mary-Anne Crawford
CC: Director of Infrastructure – Justin Fitzpatrick-Barr

Date: 30 November 2021
Document:
Re: Approval of DA8.2018.301.2 – Modification Application to amend operating conditions

EXECUTIVE SUMMARY

The purpose of this memorandum is to seek a determination for DA8.2018.301.2 as set out in the attached assessment report and draft notice of determination.

DELEGATED AUTHORITY

At a meeting of Council on 1 November 2021, Council considered a report titled DOCC54/21 Caretaker Period – Delegation of Authority to the General Manager. The purpose of this report was to delegate authority to the General Manager to carry out necessary functions on behalf of Council for the period 5 November 2021 to 31 January 2022 to ensure continuity of service to our community over the period of the Local Government Election.

In considering the report, Council resolved the following:

1. Subject to the restrictions of section 377 of the *Local Government Act, 1993* and section 393B of the *Local Government (General) Regulation, 2021*, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5th November 2021 to 31 January 2022.
2. A report detailing any matters determined by the General Manager during this period be provided to the ordinary Council Meeting on 15 February 2022 for information.

As outlined, the above resolution is limited by the restrictions detailed in section 393B of the *Local Government (General) Regulation 2021*, which includes at 393(1)(b) *determining a controversial development application, except where (i) a failure to make such a determination would give rise to a deemed refusal under the Environmental Planning and Assessment Act 1979, section 8.11(1), or (ii) such a deemed refusal arose before the commencement of the caretaker period.*

A controversial development application means a development application for designated development for which at least 25 persons have made a submission during community consultation.

In this case, both part (i) and (ii) apply, noting that the application is not designated development.

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RECOMMENDATION

It is recommended that the General Manager resolve to determine DA8.2018.301.2 with the attached conditions.



Signature Request – General Manager/Mayor

Details of Staff Member Requiring Signature (Documents to be returned to)				
Name	Paul Smith			
Position Title	Traffic Engineering Officer			
Business Unit and Department	Engineering Services			
Director Approval		Signature	15/11/2021	Date
Signature Details				
Signature Required	General Manager / Mayor (Circle)			
Council Seal Required	Yes / No (Circle)			
Council Resolution Details	N/A			
Date Required to be Returned	19 November 2021			
Background	<p>Due to the date of the upcoming local elections, it is requested that the Mayor make a decision on behalf of Council in accordance with Section 226 of the Local Government Act.</p> <p>Section 226 of the Local Government Act states the one of the roles of the Mayor is "to of the exercise, in the cases of necessity, the policy-making function of the governing body of the council between meetings of the council"</p>			
Signature - Employee		Date	16/11/2021	

Approved

SP Mode

**MINUTES
LOCAL TRAFFIC COMMITTEE
THURSDAY 4 NOVEMBER 2021**



Present	Cr Sue George (Chair) Alison Balding (TfNSW representative) Ruth Rogers (Member of Parliament representative) Chief Inspector Joanne Schultz (NSW Police) Senior Constable Amy Sweeney (NSW Police)
In Attendance	Cr Sue Moore (Mayor) Jason Linnane (General Manager) Justin Fitzpatrick-Barr (Director Infrastructure and Planning) Amanda McMahon (Acting Manager Infrastructure Services) Sam Masoomi (Infrastructure Planning Coordinator) Paul Smith (Traffic Engineering Officer) Position Vacant (Road Safety Officer)
Meeting Location	Electronic Meeting via Email

1 Disclosure of Interests

- Nil

2 Agenda Items

- 2.1 Item 1 - Pitt Street and Bathurst Street - Temporary Parking Restrictions** **FILE:21/00111**

Recommendation:

Local Traffic Committee recommends that Council approves the installation of the temporary parking restrictions on Pitt Street and Bathurst Street as per drawing 'PS21-056 - Pitt St-Bathurst St - Temporary Parking Restrictions'.

The following responses were received:

From: Sue George <sgeorge@singleton.nsw.gov.au>
Sent: Friday, 5 November 2021 12:03 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>
Subject: RE: Electronic Meeting - Local Traffic Committee - RESPONSE REQUIRED
 By COB 11/11/2021

Jodie
 I am happy with the proposed changes and support the recommendation,
 Sue

**MINUTES
LOCAL TRAFFIC COMMITTEE
THURSDAY 4 NOVEMBER 2021**



From: Al Balding <Al.Balding@transport.nsw.gov.au>
Sent: Tuesday, 9 November 2021 8:55 AM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>; nsw.gov.au>; Justin Fitzpatrick-Barr <jfitzpatrick-barr@singleton.nsw.gov.au>
Subject: RE: Reminder: Electronic Meeting - Local Traffic Committee - RESPONSE REQUIRED By COB 11/11/2021

Hi Jodie,
No issues with the proposed from my end. I am in favour with the proposal.
Alison

From: Ruth ROGERS <ruthy2360@gmail.com>
Sent: Friday, 5 November 2021 12:06 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>
Subject: Re: Electronic Meeting - Local Traffic Committee - RESPONSE REQUIRED By COB 11/11/2021

Hi all
I am ok with this as long as the police are happy with restrictions.
Regards
Ruth

From: Joanne Schultz <schu1joa@police.nsw.gov.au>
Sent: Tuesday, 9 November 2021 9:09 AM
To: Jeffery <jshelley@singleton.nsw.gov.au>;
Subject: RE: Reminder: Electronic Meeting - Local Traffic Committee - RESPONSE REQUIRED By COB 11/11/2021 [SEC=OFFICIAL]

Good morning Jodie
Nil issues and proposal is supported.
Regards
Jo

From: Amy Sweeney <swee1amy@police.nsw.gov.au>
Sent: Wednesday, November 10, 2021 6:59:24 AM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>
Subject: RE: Reminder: Electronic Meeting - Local Traffic Committee - RESPONSE REQUIRED By COB 11/11/2021 [SEC=OFFICIAL]

Morning Jodie,

I have no objections,
Please ensure affected residents a consulted early regarding the short term changes.

Regards
Amy

Unanimous Support

**MINUTES
LOCAL TRAFFIC COMMITTEE
THURSDAY 4 NOVEMBER 2021**



3 Next Meeting

- Thursday 18 November 2021 via Zoom

The meeting closed COB Thursday 11 November 2021.

Justin Fitzpatrick-Barr
Director Infrastructure and Planning Services



Signature Request – General Manager/Mayor

Details of Staff Member Requiring Signature (Documents to be returned to)			
Name	Paul Smith		
Position Title	Traffic Engineering Officer		
Business Unit and Department	Engineering Services		
Director Approval		Signature	19/11/21 Date
Signature Details			
Signature Required	General Manager / Mayor (Circle)		
Council Seal Required	Yes / No (Circle)		
Council Resolution Details	N/A		
Date Required to be Returned	asap		
Background	<p>Due to the next general Council meeting not scheduled until February 2022 due to the local elections, it is requested that the Mayor make a decision on behalf of Council in accordance with Section 226 of the Local Government Act with regards to the 18 November 2021 meeting of the Local Traffic Committee.</p> <p>Section 226 of the Local Government Act states the one of the roles of the Mayor is "to of the exercise, in the cases of necessity, the policy-making function of the governing body of the council between meetings of the council"</p>		
Signature - Employee		Date	19/11/2021

Approved

SRmode.

**MINUTES
LOCAL TRAFFIC COMMITTEE
9.30AM THURSDAY 18 NOVEMBER 2021**



Present	Cr Sue George (Chair) Alison Balding (TfNSW representative) Senior Constable Amy Sweeney (NSW Police)
In Attendance	Cr Sue Moore (Mayor) Justin Fitzpatrick-Barr (Director Infrastructure and Planning) Damian Morris (Manager Infrastructure Services) Paul Smith (Traffic Engineering Officer) Melissa Cope (Minute Taker)
Meeting Location	Committee Room / Zoom

1 Welcome and Apologies

- Welcome
- Acknowledgement of Country by Chair
- Apologies Ruth Rogers (Member of Parliament representative)
Chief Inspector Joanne Schultz (NSW Police)
Jason Linnane (General Manager)
Sam Masoomi (Coordinator Engineering Services)

2 Disclosure of Interests

- Nil

3 Confirmation of Minutes

- The minutes of the Local Traffic Committee meeting held on Thursday 4 November 2021, were confirmed.

Confirmed Alison Balding / Amy Sweeney

- The minutes of the Local Traffic Committee meeting held on Thursday 5 August 2021, were confirmed.

Confirmed Alison Balding / Cr Sue George

4 Matters arising from the Minutes

- Nil

5 Agenda Items

5.1 Item 1 - Wilcox Avenue - LOADING ZONE

FILE:21/00111

Recommendation:

Local Traffic Committee recommends that Council approves the installation of a LOADING ZONE on Wilcox Avenue from the vehicle access to the shopping centre car park extending northwards for a distance of 24.5m as per drawing 'PS21-048 - Wilcox Ave - LOADING ZONE'.

**MINUTES
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9.30AM THURSDAY 18 NOVEMBER 2021**



Unanimous Support

**5.2 Item 2 - Event - The Quarry Mining Mailrun Charity
Bike Ride**

FILE:21/00111

Recommendation:

Local Traffic Committee recommends that Council endorses the traffic management measures associated with the event as submitted by the Mailrun Charity Bike Ride Committee and approves the event in accordance with these measures.

Unanimous Support

5.3 Item 3 - Cambridge Street - Parking Restrictions

FILE:21/00111

Recommendation:

Local Traffic Committee Meeting recommends that Council approves the alterations to the parking restrictions on Cambridge Street as per drawing 'PS21-054 - Cambridge Street - Parking Restrictions'.

Unanimous Support

5.4 Item 4 - Hunter Street - Children's Crossing Upgrade

FILE:21/00111

Recommendation:

Local Traffic Committee recommends that Council approves the removal of the existing Children's Crossing on Hunter Street and the installation of a new Children's Crossing approximately 8m west of the existing crossing point as per drawing 'PS21-037 – Hunter Street – Children's Crossing Upgrade'.

Unanimous Support

**MINUTES
LOCAL TRAFFIC COMMITTEE
9.30AM THURSDAY 18 NOVEMBER 2021**



**5.5 Item 5 - John Street/Macquarie Street - Removal of NO
RIGHT TURN restriction** **FILE:21/00111**

Recommendation:

Local Traffic Committee recommends that Council approves the removal of the existing NO RIGHT TURN restriction on John Street into Macquarie Street.

Unanimous Support

5.6 Item 6 - Marcus Place - Parking Restrictions FILE:21/00111

Recommendation:

Local Traffic Committee recommends that Council approves the installation of parking restrictions on Marcus Place as per drawing 'PS21-057 - Marcus Place - Parking Restrictions'.

Unanimous Support

5.7 Informal Agenda Item 1 - Speed Zone Referrals to TfNSW **FILE:21/00111**
Speed Zone referrals to TfNSW

Outstanding speed zone reviews requested by Council:
TFNSW advised no progress to date
Cr Moore – Discussion held at Country Mayors Association, it was noted the time for Councils and members of the public waiting for answers from TfNSW is not good enough.

Action: Request for Council to send letter to TFNSW regarding speed zone referrals.

5.8 Informal Agenda Item 2 - Police Enforcement Requests **FILE:21/00111**
Police Enforcement Requests

Police enforcement requested by Council since the last meeting of the LTC:

**MINUTES
LOCAL TRAFFIC COMMITTEE
9.30AM THURSDAY 18 NOVEMBER 2021**



Complaint	Location
Speeding	Kent Street
Parking over Driveways	Cambridge Street

**5.9 Informal Agenda Item 3 - Feedback from TfNSW:
Mount Thorley Industrial Area Speed Zones**

FILE:21/00111

Council has requested that TfNSW provide clarification as to the speed zones in place around the Mount Thorley Industrial Area.

Feedback is requested from TfNSW on this issue.

TfNSW advised the process of getting the speed zones adjusted has been approved and are planned to be installed by Christmas. The specific changes are not currently available, TfNSW will provide details to Council in due course.

**5.10 Informal Agenda Item 4 - Feedback from TfNSW:
NEH/York Street/Boundary Street - Request for
additional traffic signal**

FILE:21/00111

Council received a request for an additional aspect to be installed at the intersection of the New England Highway/York Street/Boundary Street intersection for northbound traffic.

Feedback is requested from Transport for NSW (TfNSW) on this issue.

Correspondence sent to TfNSW is below:

From: Paul Smith

Sent: Monday, 1 November 2021 10:03 AM

To: 'Angela McGrath' <angela.r.mcgrath@transport.nsw.gov.au>

Subject: Traffic signals - NEH/York St/Boundary St - request for additional signals

Morning Ange,

I have been asked to include the following request on the agenda (informal) of the next LTC meeting:

"Traffic Lights York/Boundary Sts & NEH the traffic light in the centre of the road does not have a set of lights for traffic travelling north on the highway, this makes the lights difficult to see and traffic often does not stop. There are a set of lights in the centre of the road travelling south. Is it possible to add a set of lights to the 'back' of the current fixture so that there are lights in both directions."

Are you please able to consider this request and provide feedback in due course?

Cheers,

**MINUTES
LOCAL TRAFFIC COMMITTEE
9.30AM THURSDAY 18 NOVEMBER 2021**



Paul

TfNSW advised due to the proximity of the lights it is not viable to install secondary signals at this location.

6 Other Business

- TfNSW referred to works taking place on the New England Highway and are conscious people may use Range Road due to the road works. Has there been an increase of traffic on Range Road?
Cr Moore confirmed there has been.
Council will watch for an increase in traffic movements.

7 Action List

Pulse/Action No.	Meeting Date	Action	Responsible Officer	Due Date
	18/11/2021	Prepare Council Report	Paul Smith	
	18/11/2021	Arrange for works to be undertaken for items 1, 3, 4, 5 & 6 (subject to Council approval)	Paul Smith	
	18/11/2021	Notify Events Officer of traffic management approvals for item 2 (subject to Council approval)	Paul Smith	
	18/11/2021	Council to send letter to TfNSW regarding speed zone referrals	Paul Smith	10/12/2021

7 Next Meeting

- To be advised February 2022

The meeting closed at 9:43am

Cr Sue George
Chair

**MINUTES
SINGLETON LOCAL TRAFFIC COMMITTEE
22 December 2021**



Members	Mayor Sue Moore (Chair) Jo Schultz (NSW Police) Alison Balding (TfNSW) Ruth Rogers (Member's representative)
In copy	Jason Linnane (General Manager) Justin Fitzpatrick-Barr (Director Infrastructure and Planning) Damian Morris (Manager Infrastructure Services) Sam Masoomi (Coordinator Infrastructure Engineering) Paul Smith (Traffic Engineering Officer)
Meeting Location	Electronic meeting via email

1. Agenda Items

It was RESOLVED that Council:

Note the minutes of the extraordinary Singleton Local Traffic Committee meeting held on 22 December 2021 via email and adopt the following recommendations made by the committee:

Item 1: EVENT – Dashville - Temporary Traffic Management

A copy of the report that was sent out to Local Traffic Committee is attached as **Appendix A**.

Responses were received from Mayor Moore Ruth Rogers, NSW Police and TfNSW. Copies of the responses received are attached as **Appendix B**.

Recommendation

Local Traffic Committee recommends that Council endorses the 'Dashville Traffic Management Plan May 2021' and approves the installation of the temporary traffic management associated with the larger capacity events (currently The Gum Ball and Skyline) that take place at Dashville, located at 103 Kirkton Road, Singleton, subject to the following conditions:

1. As per the Work Health and Safety Act 2011, traffic controllers and marshals must:
 - a. be properly inducted by the Event Organiser
 - b. receive training for their specific work site
 - c. be aware of their responsibilities in emergencies
 - d. be provided with proper personal protective equipment.

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22 December 2021**



2. The Event Organiser is responsible for ensuring that the traffic control measures set out in the Traffic Guidance Schemes (TGS) (previously Traffic Control Plans) are properly and fully implemented at an appropriate time before the event commences.
3. Marshals, or any other person associated with the event, have no legal power to stop, hold, or direct traffic on any public road (unless they hold current accreditation).
4. If Traffic Controllers are used, they must hold current traffic controller certification – 'Traffic Controller' (previously blue card)
5. Traffic Controllers can only operate in accordance with a TGS that has been authorised by the relevant Roads Authority
6. Traffic controllers must display their authorisation when controlling traffic.
7. Traffic controllers shall be relieved after two hours work and may be either rested or placed on other duties for a period of at least 15 minutes before being returned to traffic control duties.
8. The implementation of TGS's must be undertaken by a person that holds current certification – 'Implement Traffic Control Plans' (previously yellow card)
9. Any changes or modifications to the TGS's can only be made by a person that holds appropriate current certification – 'Prepare a Work Zone Traffic Management Plan' (previously red card)
10. The sentence "The Traffic Control Plan is to be approved by the Roads and Maritime Service and signed off by Red Floor Productions prior to commencement of the project." under section 6.5 of the TMP is to be removed.
11. The event organiser is to ensure that sufficient traffic control personnel are engaged to manage additional traffic at the commencement and conclusion of events that have in excess of 2000 patrons.
12. The event organiser is to assess the requirement for the installation of the temporary traffic management measures outlined in the TGS for each event that takes place as patron numbers are finalised.
13. The event organiser is to notify Council's Traffic Engineering Officer at least 7 days in advance of any event that will require the installation of the temporary traffic management measures.

Unanimous support

**MINUTES
SINGLETON LOCAL TRAFFIC COMMITTEE
22 December 2021**



Funding

Allocate funds as follows to undertake the works recommended by the Local Traffic Committee as follows:

Item	Title	Source of funds	Est. amount
1	EVENT – Dashville - Temporary Traffic Management	N/A	\$0

Next Meeting

TBC

**MINUTES
SINGLETON LOCAL TRAFFIC COMMITTEE
22 December 2021**



Appendix A

Item 1

EVENT – Dashville - Temporary Traffic Management

Background

Dashville is located at 103 Kirkton Road, Lower Belford. Council has recently approved a DA for the venue to hold up to 26 events per year. The DA is approved for 5 years. The list of events, dates, duration of the events and maximum attendance approved are shown on the table below:

Name of Event	Date	Duration/info	Max Attendance
The Gum Ball	April	3 days	3000 + 200 support personnel
Young Gums Youth conference	April	2 day project, held before Gum Ball.	20 youth, 10 industry professionals.
Dashville Skyline	October	3 days of roots, country, folk music and activities.	3000 + 200 support personnel
Music Industry Conference	September/October	2 day music industry gathering held in the days prior to Dashville Skyline.	500 persons
Family Portrait Day & Christmas Market	December	1 day/evening	3000 + 200 support personnel
Thrashville	September	1 day/evening	2000 + 200 personnel
Pigsty in July	July	1 day/evening	1,000 + 100 support personnel
Dashville Nights Concert Series / Hunter Tent Stay	Summer/Autumn	10 concerts/days. Federal grant funded activity.	200-400 persons each concert
Other one-off cultural events, corporate training day, seminars etc.	Various	3 days	Maximum 1,500 + 100 support personnel

Under the Dashville Nights concert series, the organisers are planning to hold a New Year's Eve concert on 31 December 2021.

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22 December 2021**



The exact dates of the events are not yet confirmed but under the DA's conditions of consent, prior to each event the organisers are to prepare a plan of management and submit to Council for approval at least thirty days prior to the first event. The plan of management is to include the following information:

- General Event Description (including exact dates)
- Detailed Site Plan
- Security and Alcohol Management
- Food Preparation
- Waste Management
- Complaint handling procedures
- Stallholder agreements
- Emergency evacuation management procedures
- Wet weather contingencies and site management measures
- Noise Management

The event organiser is required to review and submit their TMP to Local Traffic Committee and Council at the start of every calendar year.

Another condition of consent requires that any proposed changes to plans of management must be provided a minimum of thirty days prior to an event and that additional notice may be required for proposed changes to the TMP which requires approval from LTC.

Traffic Management

The events are held on a 20-acre portion of a 100acre property. The arena is approximately 3 acres and parking area combined is an area of approximately 17 acres. No parking is to take place within the road reserve.

No road closures will be implemented as part of the TMP.

No reduction to the sign posted speed limit (80km/h) is required.

The TMP for the events is attached as **Appendix A**.

Section 6.5 of the TMP includes the following sentence - "The Traffic Control Plan is to be approved by the Roads and Maritime Service and signed off by Red Floor Productions prior to commencement of the project." RMS (now TfNSW) do not approve traffic control plans and as such this sentence is to be removed. This has already been verbally communicated to the event organiser and is included in the conditions below.

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22 December 2021**



Recommendation

Local Traffic Committee recommends that Council endorses the 'Dashville Traffic Management Plan May 2021' and approves the temporary traffic management associated with the event subject to the following conditions:

1. As per the Work Health and Safety Act 2011, traffic controllers and marshals must:
 - a. be properly inducted by the Event Organiser
 - b. receive training for their specific work site
 - c. be aware of their responsibilities in emergencies
 - d. be provided with proper personal protective equipment.
2. The Event Organiser is responsible for ensuring that the traffic control measures set out in the Traffic Guidance Schemes (TGS) (previously Traffic Control Plans) are properly and fully implemented at an appropriate time before the event commences.
3. Marshals, or any other person associated with the event, have no legal power to stop, hold, or direct traffic on any public road (unless they hold current accreditation).
4. If Traffic Controllers are used, they must hold current traffic controller certification – 'Traffic Controller' (previously blue card)
5. Traffic Controllers can only operate in accordance with a TGS that has been authorised by the relevant Roads Authority
6. Traffic controllers must display their authorisation when controlling traffic.
7. Traffic controllers shall be relieved after two hours work and may be either rested or placed on other duties for a period of at least 15 minutes before being returned to traffic control duties.
8. The implementation of TGS's must be undertaken by a person that holds current certification – 'Implement Traffic Control Plans' (previously yellow card)
9. Any changes or modifications to the TGS's can only be made by a person that holds appropriate current certification – 'Prepare a Work Zone Traffic Management Plan' (previously red card)
10. The sentence "The Traffic Control Plan is to be approved by the Roads and Maritime Service and signed off by Red Floor Productions prior to commencement of the project." under section 6.5 of the TMP is to be removed.

**MINUTES
SINGLETON LOCAL TRAFFIC COMMITTEE
22 December 2021**



Appendix B

From: Joanne Schultz <schu1joa@police.nsw.gov.au>
Sent: Wednesday, 22 December 2021 9:17 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>;
Subject: RE: URGENT Local Traffic Committee Electronic Meeting - Dashville Events - RESPONSE BY COB WEDNESDAY 22 DECEMBER 2021 [SEC=OFFICIAL]

Good evening Jodie

Apologies for the late response. I have reviewed the attached plan, there have been no traffic issues reported to police during past events either on Kirkton Rd or Hunter Expressway. I note that the proposed larger events estimate maximum 3000 patrons. Recommend sufficient traffic control personnel to be engaged to manage the additional traffic at commencement and conclusion where events have 2000 – 3000 patrons.

On this basis the attached plan is supported.

Regards

Jo

From: Sue Moore <smoore@singleton.nsw.gov.au>
Sent: Wednesday, 22 December 2021 4:45 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>

Subject: Re: URGENT Local Traffic Committee Electronic Meeting - Dashville Events - RESPONSE BY COB WEDNESDAY 22 DECEMBER 2021

Hi Justin or Paul

I have some questions please.

I appreciate the DA has been approved but as a comment their event was held at Drovers Camp over the 10th-11th Dec. the music was very loud and could be heard at my place 5km away. I had to ring the property owner at 11 pm to complain. The next night was much better. I appreciate this has nothing to do with traffic plans however I hope noise has been considered appropriately in the DA conditions.

The questions there are many events listed in the approval - it appears the traffic plan is only required for the 2 larger events ANZAC and Oct long weekend- is this correct?

Are additional traffic measures needed on the highway for these 2 larger events ie number of vehicles queuing to turn on Kirkton Rd on a Friday afternoon.?

**MINUTES
SINGLETON LOCAL TRAFFIC COMMITTEE
22 December 2021**



Lastly the traffic control to reduce potential congestion turning into property - it states this will be monitored between start and finish times. Does this mean there will be at least one person there throughout the events or only at the discretion of a needs basis? See point 5 congestion at the front gate.

Thank you
Sue

From: Ruth ROGERS <ruthy2360@gmail.com>
Sent: Wednesday, 22 December 2021 3:24 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>
Subject: Re: URGENT Local Traffic Committee Electronic Meeting - Dashville Events - RESPONSE BY COB WEDNESDAY 22 DECEMBER 2021

Hi Jodie.

No issues with this

Merry xmas

From: Al Balding <Al.Balding@transport.nsw.gov.au>
Sent: Wednesday, 22 December 2021 3:07 PM
To: Jodie Jeffery <jshelley@singleton.nsw.gov.au>
Subject: RE: URGENT Local Traffic Committee Electronic Meeting - Dashville Events - RESPONSE BY COB WEDNESDAY 22 DECEMBER 2021

Thanks Jodie, no issues from our end. I am in favour of the proposed temporary traffic management for Dashville Events.

Alison

Alison Balding
Associate Community and Safety Partner



Signature Request – General Manager/Mayor

Details of Staff Member Requiring Signature (Documents to be returned to)				
Name	Mark Ihlein			
Position Title	Executive Manager - Projects			
Business Unit	General Manager			
Director Approval		Signature		Date
Signature Details				
Signature Required	NA			
Council Seal Required				
Council Resolution Details	<p>The MTW VPA Community meeting was held on Monday 22 November 2021..</p> <p>At this meeting, the committee resolved to recommend to Council the allocation of funding for the development of detailed design plans and a cultural heritage survey</p>			
Date Required to be Returned				
Background	<p>While Council is in Caretaker mode, it is respectfully requested that the General Manager consider endorsing the allocation of \$35,000 from the reserve to enable the work to continue consistent with the recommendations of the committee. That Specifically the allocation of \$25,000 is for the engagement of a Landscape architect to provide detailed construction plans of visitor facilities as set in the adopted masterplan and Plan of Management and \$10,000 is for an Aboriginal cultural heritage study and investigation of Bulga Stock Reserve to be undertaken.</p>			
Signature - Employee	Mark Ihlein	Date	6/12/2021	

General Mng
Mayor

Approval
Approval

SR mode

6/12/21
8-12-21



SINGLETON
COUNCIL

Civic Centre
Queen Street
SINGLETON NSW 2330
PO Box 314
DX 7063
Phone: 02 6578 7290
Fax: 02 6572 4197

Singleton Council Memorandum

To: Jason Linnane – General Manager
CC: Mark Ihlein – Executive Manager Projects
From: Myffy Doyle – Projects Officer VPA
Date: 6 December 2021
File: 21/00069
Document:

RE: Allocation of Mount Thorley Warkworth VPA funding

The Mount Thorley Warkworth VPA Community Committee extra ordinary meeting was held Monday, 22 November 2021 at Bulga Community Centre, Bulga

At this meeting, the committee resolved to recommend to Council the allocation of the following funding.

The Committee recommend to Council an allocation for Stage 3 of the Bulga Stock Reserve project to procure and engage a Landscape architect to provide a detailed construction plan of visitor facilities as set out in the adopted masterplan and Plan of Management.	\$25,000
The Committee recommend to Council an allocation of funding for Stage 4 of the Bulga Stock Reserve project to procure an Aboriginal cultural heritage study and investigation of Bulga Stock Reserve. This is a requirement prior to disturbance works of the land.	\$10,000

Financial Implications

The \$35,000 will be funded from the Mount Thorley Warkworth VPA reserve funds.

While Council is in Caretaker mode, it is respectfully requested that the General Manager consider endorsing the allocation of \$35,000 from the reserve to enable the work to continue consistent with the recommendations of the committee.

Recommendation:

That the General Manager endorse the allocation of \$25,000 for the engagement of a Landscape architect to provide detailed construction plans of visitor facilities as set in the adopted masterplan and Plan of Management and \$10,000 for an Aboriginal cultural heritage study and investigation of Bulga Stock Reserve to be undertaken.

Mark Ihlein
Executive Manager - Projects

**MINUTES
MOUNT THORLEY WARKWORTH VPA
COMMUNITY COMMITTEE
MONDAY 22 NOVEMBER 2021**



Present	Cr Sue Moore (Chair)(SM) Greg Banks (GB) Nick Cook (NC) Myffy Doyle (MD) (Minutes) Ian Hedley (IH) Mark Ihlein (MI) Judith Leslie (JL) Stewart Mitchell (SM) Pauline Raynor (PR)
In Attendance	Nil
Meeting Location	Committee Room

1 Welcome and Apologies

- Welcome
- Acknowledgement of Country by Chair
- Apologies – Jason Linnane (JL), Ron Corino (RC)

2 Disclosure of Interests

- Nil

3 Agenda Items

3.1	Review of Bulga Stock Reserve onsite visit
	The onsite meeting at Bulga Stock Reserve has been postponed due to inclement weather. The meeting will take place in early 2022 with the consultant engaged to undertake the design work.
3.2	Bulga Stock Reserve future works
	The Committee to recommend to Council to allocated \$35,000 from the reserve for Stage 3 – the detailed design plans and Stage 4 – the Aboriginal cultural heritage study. Action: MD to change the order of the stages around to indicate Stage 3 – Aboriginal cultural heritage study Stage 4 – Detailed design plans IH – against recommendation Moved GB Second PR. Carried

**MINUTES
MOUNT THORLEY WARKWORTH VPA
COMMUNITY COMMITTEE
MONDAY 22 NOVEMBER 2021**



3.3	Bulga village strategic planning discussion – village masterplan and future works
	<p>The Committee provided their ideas on what the future of Bulga village might look like.</p> <p>The Committee also provided comments on revising the Village Masterplan.</p> <p>The information will be collated into a revised plan with all members suggestions/comments for discussion at the next meeting.</p>

The meeting closed at 2.55pm

Next meeting: Thursday, 3 February 2022 at 2.00pm
Committee Room, Singleton Council Administration building

Cr Sue Moore
Chair



Signature Request – General Manager/Mayor

Details of Staff Member Requiring Signature (Documents to be returned to)			
Name	Mark Ihlein		
Position Title	Executive Manager – Projects		
Business Unit	General Manager		
Director Approval		Signature	Date
Signature Details			
Signature Required	NA		
Council Seal Required	NA		
Council Resolution Details	<p>The United Wambo VPA Community meeting was held on Wednesday 4 November 2021..</p> <p>At this meeting, the committee resolved to recommend to Council the allocation of funding for the development of detailed survey for the main street and for incidental expenditure</p>		
Date Required to be Returned			
Background	<p>While Council is in Caretaker mode, it is respectfully requested that the General Manager consider endorsing the allocation of \$35,000 from the reserve to enable the work to continue consistent with the recommendations of the committee. Specifically, the allocation of \$30,000 is for the detailed survey of the main street and \$5,000 is for committee management being meeting venue hire and incidentals.</p>		
Signature - Employee	<i>Mark Ihlein</i>	Date	6/12/2021.

General Manager
Mayor

Approval
Approved

8/12/21
8-12-21

1
1/1



SINGLETON
COUNCIL

Civic Centre
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Singleton Council Memorandum

To: Jason Linnane – General Manager
CC: Mark Ihlein – Executive Manager Projects
From: Myffy Doyle – Projects Officer VPA
Date: 6 December 2021
File: 20/0046
Document:

RE: Allocation of United Wambo VPA funding

The United Wambo VPA Community meeting was held Wednesday, 4 November 2021 at Jerrys Plains School of Arts Hall.

At this meeting, the committee resolved to recommend to Council the allocation of the following funding.

The Committee recommend to Council an allocation for detailed surveys to be completed for the main streets of the village and the recreation ground	\$30,000
The Committee recommend to Council an approval allocation of funding for the management of the UW VPA Community Committee	\$5,000

Financial Implications

The \$35,000 will be funded from the Main Street Upgrade allocation as per the reserve detailed below.

Jerrys Plains Village Centre, Recreation Grounds and Main Street Upgrade	\$755,000.00
Local Projects around Warkworth and Jerrys Plains	\$570,000.00
Singleton Community Economic Development Fund	\$1,325,000.00
Total Income received 06/01/2021	\$2,650,000.00
Total Allocated VPA Funding	\$50,000.00
Total Expenditure Paid to Date	\$0.00
Total uncommitted received funds	\$1,275,000.00

While Council is in Caretaker mode, it is respectfully requested that the General Manager consider endorsing the allocation of \$35,000 from the reserve to enable the work to continue consistent with the recommendations of the committee.

Recommendation:

That the General Manager endorse the allocation of \$30,000 for the detailed survey of the main street and \$5,000 for committee management being meeting venue hire and incidentals.

Mark Ihlein
Executive Manager - Projects

MINUTES
UNITED WAMBO VPA COMMUNITY COMMITTEE
1.00pm Wednesday, 3 November 2021



Present	Myffy Doyle (MD) (Minutes) Aislinn Farnon (AF) Cr Sue George (Chair) Julie Gray (JG) Mark Ihlein (MI) Emily Lambkin (EL) David Thelander (DT)
In Attendance	
Meeting Date and Time	Wednesday, 4 November 2021 1.00PM
Meeting Location	Jerrys Plains Hall (Covid-19 meeting protocols, facemasks)

1. Welcome and Apologies 1.04pm

- Welcome
- Acknowledgement of Country by Chair
- Apologies – Angela Dvrece, Madelaine Walsh

2. Disclosure of Interests

NIL

The minutes of the United Wambo Voluntary Planning Agreement Community Committee held on Wednesday, 4 August 2021 were confirmed.

Moved AF Second DT

3. Agenda Items

3.1	Summary Table
	The Committee noted the information.
3.2	Landscaping concept plan for village project
	The Committee recommend to Council an allocation of \$30,000 for detailed surveys to be completed for the main streets of the village and the recreation ground
	Moved JG Second EL Carried
3.3	New Playground Equipment
	The Committee recommend to Council an allocation of \$180,000.00 funding for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation ground.
	Council's Facilities and Recreation department will consult with the community about the design of the playground.
	Moved DT Second EL Carried

1

MINUTES
UNITED WAMBO VPA COMMUNITY COMMITTEE
1.00pm Wednesday, 3 November 2021



3.4	Miscellaneous management funding allocation
	<p>The Committee recommend to Council an approval allocation of \$5,000.00 funding for the management of the UW VPA Community Committee.</p> <p>Moved JG Second DT Carried</p>
3.5	2022 Meeting dates
	The Committee noted the meeting dates for 2022

4. Financial Report

The Finance report was tabled. The variation between the Finance department's report and the Project Summary table in Agenda Item 3.1 are due to the different dates that the reports are updated and completed.

5. Other Business

Julie announced that she is moving away from the area. The Chair thanked Julie for her contribution to the committee.

6. Action List – refer to the Attached

Pulse/ Action No	Meeting Date	Action	Responsible Officer	Due Date	Comment	Status
UWVPA 21-01	04/08/21	The committee to achieve great outcomes for the community	Committee	03/11/21	09/08/21 Committee committed to funding project to improve JP.	
UWVPA 21-02	04/08/21	Committee to be aware and abide by the Code of Conduct document and to be respectful during the meeting times.	Committee	03/11/21	09/08/21 Committee have been supplied with documents and were made aware of documents at meeting	
UWVPA 21-03	04/08/21	Committee to read through the Terms of Reference document.	Committee	03/11/21	09/08/21 Committee provided with documents to read through	

MINUTES
UNITED WAMBO VPA COMMUNITY COMMITTEE
1.00pm Wednesday, 3 November 2021



UWVPA 21-04	04/08/21	If there is anyone the committee members know that would like to join the committee as the alternate community member to get in contact with MD.	Committee	03/11/21	15/10/21 No comment from committee	
UWVPA 21-05	04/08/21	DT to provide MI with historical Village masterplan document from 1970s	David Thelander	03/11/21	09/08/21 David sent through historic planning documents	
UWVPA 21-06	04/08/21	MD send to committee the scope of works and companies' responses. Committee to send through any comments.	Myffy Doyle/ Committee	03/11/21	09/08/21 Email sent to committee with scope of works, evaluation matrix and 3 consultant answer to scope of works. No comments from committee. Terras Landscape Architect engaged	
UWVPA 21-07	04/08/21	AF - to provide United Wambo's collected community responses to MI and MD to help working with the consultant to develop the concept designs. Providing the consultant targeted research.	Aislinn Farnon	03/11/21	09/08/21 Documents sent through to committee. No comments made	

MINUTES
UNITED WAMBO VPA COMMUNITY COMMITTEE
1.00pm Wednesday, 3 November 2021



UWVPA 21-08	04/08/21	MD – to provide examples and indicative cost of playgrounds within the LGA to update the playground at Jerrys Plains.	Myffy Doyle	03/11/21	10/09/21 Email sent to committee of examples of parks and indicative costs	
UWVPA 21-09	04/08/21	MD - Update financial table to say United Wambo not Bulga	Myffy Doyle	03/11/21	09/08/21 Email sent to Finance department to rectify mistake	
UWVPA 21-10	03/11/21	Report to Council the Committee recommend to Council an allocation of \$30,000 for detailed surveys to be completed for the main streets of the village and the recreation	Myffy Doyle	02/03/22		
UWVPA 21-11	03/11/21	Report to Council that the Committee recommend to Council an allocation of \$180,000.00 funding for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation ground.	Myffy Doyle	02/03/22		

MINUTES
UNITED WAMBO VPA COMMUNITY COMMITTEE
1.00pm Wednesday, 3 November 2021



UWVPA 21-12	03/11/21	Report to Council that the Committee recommend to Council an approval allocation of \$5,000.00 funding for the management of the UW VPA Community Committee.	Myffy Doyle	02/03/22		
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7. Next Meeting

Wednesday, 2 March 2022, 1.00pm
 Location – Jerrys Plains Hall

The meeting closed at 1.38pm

Cr Sue George
 Chair